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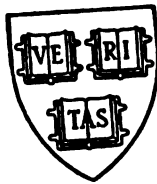
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THE
REVISED STATUTES *cf*

OF THE
STATE OF NEW YORK,
TOGETHER WITH ALL THE
OTHER GENERAL STATUTES,
(Except the Civil, Criminal and Penal Codes),

AS AMENDED AND IN FORCE ON
JANUARY 1, 1896.

EDITED BY
CHARLES A. COLLIN,
A COMMISSIONER OF STATUTORY REVISION FROM 1889 to 1895.

NINTH EDITION, IN FOUR VOLUMES.
VOLUME IV.

INDEX

TO THE CONSTITUTION, CODES, REVISED STATUTES, ALL OTHER
GENERAL LAWS AND THE COURT RULES, AS IN
FORCE ON JANUARY 1, 1896.

1896.
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P R E F A C E.

This index is the first serious attempt to furnish a key to the written law of this state such as the digests have long furnished to the case law.

During the past twenty-five years, the legislature has made such sweeping invasions into the domain of the common law, that almost every doctrine of the common law has either been modified or restated in the statutes. The most systematic arrangement of the statutes possible must still leave them almost as disconnected as the cases. Very often the same subject will be partly set out in the state constitution, partly in each of the codes, partly in one or more chapters of a revision, partly in various scattered statutes, and partly in court rules. So vastly has the territory of the written law expanded, and so fragmentary at best is its arrangement, that a single index to all the written law of this state, has become as essential as a single digest to all the case law. Such indexes must hereafter follow substantially the lines which experience has proven necessary in the digests. A satisfactory index to the written law must hereafter do more than point to the place where something upon a given topic may be found; it must also indicate what portion of the topic will be found there. This involves a statement of the substance of the law. The next inevitable step is the substitution of a logical subdivision of each topic, after the fashion of the digests, in place of the necessarily incomplete and unsatisfactory alphabetical subdivisions which have hitherto been the fashion in the indexes to the statutes.

While the editor has not attempted to make this volume a digest in the full sense of the term, and still terms it an index, it is really much more than a mere index, and may properly be termed an index-digest to the written law of New York.

Every practising lawyer in New York has his codes separate from his general statutes, and many find it convenient to get new sets of codes each year. For this reason it has not seemed desirable to set out the codes at length in this edition of the statutes. But the omission of the codes from the body of the work in no way diminishes the convenience of including them in the index.

The codes ought in all cases to be indexed by references to sections instead of to pages. Such is the system pursued in this index, and thereby the index fits equally well any and every edition of each of the codes, whether it be the handy pocket edition or Stovers three-volume annotated edition.

Following this index is a table showing the statutes contained in this edition in the chronological order of years and numerical order of chapters, and the pages of this edition on which each appears.

A supplemental volume will shortly follow, setting forth the general legislation of 1896, so arranged in connection with this edition that all changes by way of amendment or repeal may be conveniently discovered.

CHARLES A. COLLIN.

32 NASSAU STREET, NEW YORK, *May* 20, 1896.

I N D E X

TO THE

NINTH EDITION OF THE REVISED STATUTES,

BEING ALSO

An Index to the Constitution, Codes, General Laws, Revised Statutes, All Other General Statutes, and the General Court Rules of the State of New York.

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5. **CONSOLIDATION** of actions, between same parties, in same or different courts, for cause of actions which may be joined, Civ. Code, §§ 817-19; of actions to foreclose mechanics' liens, L. 1885, ch. 342, p. 2644; L. 1878, ch. 315, p. 2446; of actions by state against same defendants, Civ. Code, §§ 1988-9.

6. **SEVERANCE** of action, when answer admits part of plaintiff's claim, Civ. Code, § 511; on death of one party, §§ 758-9; on death of plaintiff when land descends to separate parties, § 1522; where parties improperly joined, § 497; in ejectment for distinct parcels alleged in answer to be separately occupied, § 1516; in case of partial indemnity, § 1423; in partial partition, § 1547; where several judgments are necessary, § 1205; where different issues arise as to several causes pleaded, § 1220; on offer of one defendant, § 3172; where defendants are severally liable and not all served, § 456.

7. Submission of controversy without action, Civ. Code, §§ 1279-92.

(Actions for particular causes or objects are indexed thereunder. The various steps of procedure in actions are indexed under each such topic.)

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1. Of **COURTS** of **RECORD**, by the judge; in the absence of the judge; by direction of the judge, Civ. Code, §§ 34-5, 37; of special term to chambers, § 239; does not abate action, § 44.

2. Of **JUSTICES'** courts; by justice at his discretion, Civ. Code, § 2959; on application of plaintiff, or defendant, §§ 2960-6; to compel attendance of witnesses, § 2967; limit of adjournment, § 2968.

3. Of **OTHER JUDICIAL PROCEEDINGS**; of arbitration, Civ. Code, § 2368; of bastardy proceedings, Crim. Code, § 849; of examination before magistrate, § 191; to allow motion to remove criminal prosecution to grand jury, § 58; of impeachment court, § 19; of habeas corpus proceedings, Civ. Code, § 2064; of lunacy hearing, § 2325; of supplementary proceedings, § 2444.

4. Costs on adjournment, Civ. Code, § 3255; adjournment must not be to Sunday, § 6; procuring adjournment to Saturday may be a misdemeanor, Pen. Code, § 271.

5. Adjournment of legislature regulated, Const., art. 3, § 11, p. 49; Pen. Code, § 61; of county canvassers; of state canvassers, Elec. L., §§ 131, 139, pp. 312, 319.

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ADJUTANT-GENERAL.

1. Must be citizen of United States, 18 or more years old; is chief of staff; is appointed and commissioned by commander-in-chief. Const., art. 11, § 4, p. 82; Mil. Code, §§ 30, 50, pp. 509, 516; salary, \$4,000 and expenses, Mil. Code, § 121, p. 532.

2. Duties generally, Mil. Code, § 33, p. 510; to establish and maintain bureau of records of war of rebellion, §§ 38-42, pp. 514-16; to certify and approve expenditures, §§ 125-C, p. 535; to select and acquire camp grounds, § 143, p. 540; to certify as to need of armory, § 170, pp. 545-6; to appoint pension examiners and certify their compensation, § 131, p. 538.

ADMINISTRATOR.

1. Order of priority of right of relatives and creditors to APPOINTMENT as administrators; disqualifications for the office; procedure for appointment; administrator's BOND, Civ. Code, §§ 2660-4.

2. Powers, duties and procedure of county treasurers as PUBLIC ADMINISTRATORS, Civ. Code, §§ 2665-8.

3. When TEMPORARY administrator to be appointed, his powers, duties and procedure generally, Civ. Code, §§ 2670-83.

4. ADMINISTRATOR WITH WILL ANNEXED, when to be appointed; powers and duties, Civ. Code, §§ 2643-5.

6. Order of DISTRIBUTION of assets by administrator among next of kin after payment of debts, Civ. Code, §§ 2732-4.

7. REVOCATION of letters of administration on DISCOVERY OF WILL, Civ. Code, § 2684.

(See Executors and Administrators for provisions common to both, and including provisions as to administrators not indexed above.)

ADMISSION.

1. Written admission of genuineness of paper may be required before trial, Civ. Code, § 735.

2. Admissions by member of corporations not evidence against corporation, Civ. Code, § 839.

3. Admission of service of summons, Civ. Code, § 434.

4. Admission of attorney to practice, see Attorneys.

ADOPTION.

See Children.

AD QUOD DAMNUM.

See Assessment of Damages.

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Adulteration of food for man or beast defined and prohibited, generally, Pen. Code, §§ 407, 397, 408a; Pub. H. L., §§ 40-50, pp. 804-10; adulteration of milk defined and prohibited, Agr. L., §§ 20, 22, pp.

947-8; Pen. Code, § 408a; adulteration of vinegar defined and prohibited, Agr. L., §§ 50-1, p. 954; Pen. Code, § 408a; adulteration of distilled spirits prohibited, R. S., p. 1722, § 173; of wines, Pub. H. L., §§ 46-9, pp. 808-9; Pen. Code, § 397.

ADULTERY.

See Divorce.

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What are to be deemed advancements by intestate to his children upon settlement of his estate; value thereof, how determined; when to be set off or deducted, R. S., p. 1810, § 127; pp. 1827-8, §§ 23-6; Civ. Code, § 2733.

ADVERSE POSSESSION.

1. What constitutes adverse possession, by one claiming title under written instrument, judgment or decree; by one claiming title otherwise; where relation of landlord and tenant existed, Civ. Code, §§ 369-74.

2. Twenty years' adverse possession destroys the presumption of possession by person proving legal title, Civ. Code, § 368; unless person proving legal title was incompetent, § 375; twenty years' adverse possession by mortgagee after breach bars action by mortgagor to redeem, Civ. Code, § 339.

3. Grant other than mortgage of lands held adversely to grantor is void, and a misdemeanor by grantor; and also by grantee if action pending; but grantee may maintain action to recover the lands in name of grantor, R. S., p. 1813, §§ 147-8; Pen. Code, §§ 129-31; Civ. Code, § 1501.

ADVERTISEMENTS.

1. Prohibitions of advertisements of obscene publications, articles for immoral use, or to prevent conception or cause abortion, Pen. Code, §§ 317-18; of counterfeit money, § 527; of lotteries, lottery tickets, or insurance thereof, prizes, §§ 327, 331, 335; affixed to real property without consent of owner, §§ 643-4; by bank or banker as savings bank, Bank. L., § 131, p. 1097.

2. In SUNDAY NEWSPAPERS, contracts for, valid, L. 1871, ch. 702, p. 2327.

3. In STATE PAPER at Albany, Ex. L., §§ 73-4, p. 379.

4. Of sale of real property on execution, Civ. Code, § 1678.

5. By Ins. Co., must contain certain items, Ins. L., § 48, p. 1154.

6. By comptroller for bids for state printing, Ex. L., § 72, p. 379.

7. Of unclaimed freight or baggage by R. R. Co., R. R. L., § 46, p. 1277; L. 1837, ch. 300, p. 2051.

8. Foreclosure of mortgages by advertisement, Civ. Code, §§ 2387-2401.

9. Rates for legal advertising, Civ. Code, § 3317.

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1. **DEFINED** to include oath, affirmation, etc., Stat. Const. L., § 15, p. 113; and verified pleading, Civ. Code, § 3343, sub. 11; defined for purposes of perjury, Pen. Code, § 97; Civ. Code, § 851.

2. **HOW ADMINISTERED**, Civ. Code, §§ 845-50.

3. **WHO MAY TAKE WITHIN THE STATE**, Civ. Code, §§ 842-3; any officer authorized to take acknowledgments, Stat. Const. L., § 14, p. 113. (As to what officers may take acknowledgments, see Acknowledgment, 3.); any person authorized to take testimony or receive affidavit, generally, may administer oath, Civ. Code, § 843; and, particularly, clerk of excise board, Ex. L., § 10, p. 1626; supt. of prisons, R. S., p. 1961, § 65; school supt and com'r, Consol. Sch. L., pp. 1503, 1522; supervisors and town officers generally, L. 1870, ch. 69, p. 2261; Town L., § 56, p. 746.

4. **WITHOUT THE STATE**, any officer may take affidavits, who may take acknowledgments; certificates of official character, same as for acknowledgments, Civ. Code, § 844. (See Acknowledgment, 4.)

5. Affidavits of publication and of service of notice, when admissible as EVIDENCE, Civ. Code, §§ 926-7. Need not be entitled in civil or criminal action if referring intelligibly thereto, Civ. Code, § 728; Crim. Code, §§ 683, 951.

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Necessary to prevent inquest, if answer not verified; form thereof, Civ. Code, § 980; Sup. Ct. Rules 23, 28; to obtain extension of def't's time to plead, Sup. Ct. Rule 24.

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AGE.

1. **Age qualification for JUROR**, Civ. Code, §§ 1027, 1079, 1126; for **MILITARY** duty; for commissioned officers in militia, Mil. Code, §§ 2, 70, 50, pp. 502, 522, 516; for holding civil **OFFICE** generally, Pub. Off. L., § 3, p. 326; for **GOVERNOR**, Const., art. 4, § 2, p. 55; for **JUDGE** or justice of any court, Const., art. 6, § 12, p. 65; judge to file certificate of age, Civ. Code, § 54; for **VOTER**, Const., art. 2, § 1, p. 37.

2. **AGE OF CONSENT**; for **MARRIAGE**, boys, 18; girls, 16, R. S., p. 1890, § 2; taking, receiving or harboring girl under 18 for purpose of marriage without consent of her parent or guardian, punishable as **ABDUC-**

TION, Pen. Code, § 282 (see, also, Marriage); parent or guardian consenting to taking or detaining girl under 18 for purposes of prostitution or sexual intercourse; the person taking or receiving girl under 18 for such purpose, or having sexual intercourse with girl under 18 consenting thereto, if not her husband, punishable as **ABDUCTION** and **RAPE**, Pen. Code, §§ 282, 278; child under 16 may be **KIDNAPPED** with its consent, Pen. Code, § 211 (see, also, Children).

3. **Age capacity to commit crime**, generally; to commit rape, Pen. Code, §§ 13-9, 27.

4. **Age of child** may be proven in judicial proceeding by exhibition of child or by physician's examination, L. 1882, ch. 340, p. 2547.

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1. Principal carrying on general mercantile or m'fg business by agent must file statement with co. cl'k; failure to file is a misdemeanor, Pen. Code, § 363a; statute of limitations as to action by principal against agent for damages recovered against principal for injuries by agent to third parties, Civ. Code, § 407; for moneys in hands of agent, § 410.

2. Agent in possession of bill of lading, deemed owner as to third parties; has lien for advances on consignments; pledge thereof by him, good only to extent of his lien, L. 1830, ch. 179, p. 2006.

3. Conversion or embezzlement by agent, is larceny, Pen. Code, § 528; ground for arrest in civil action, Civ. Code, §§ 549, 2895.

4. Agent duly authorized may bind principal by execution of negotiable note, R. S. 1851, § 2; of conveyances of property; of contracts required by statute of frauds to be in writing, signed by party, R. S., p. 1885, § 6; p. 1887, § 5; p. 1888, § 2.

5. When agent may verify pleading, Civ. Code, § 525; make affidavit in reply, § 1712.

6. Agent not to be assessed for securities of non-resident in his hands for collection, R. S., p. 1704, § 3.

7. Agent of insurance co. not to act for unauthorized cos., except as specially licensed; nor for authorized cos. without certificate of authority, Ins. L., §§ 49-50, 137, pp. 1154-5, 1193-4; agents of foreign fire ins. co. to pay tax to fire departments; to give bond therefor before acting, §§ 133-4, p. 1191.

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9. Agents of societies for prevention of cruelty to children and animals, are peace officers, Pen. Code, § 668.

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8 AGRICULTURAL COLLEGE — AGRICULTURAL SOCIETIES.

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AGRICULTURAL CORPORATIONS.

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2. INCORPORATION; number and qualifications of incorporators; contents of certificate of incorporation; name not to resemble that of existing corporation; qualifications of directors named in certificate; certificate may contain any provision which does not exempt directors from obligation imposed by law; must be approved by justice of sup. ct. before filing; when to be filed; fees for filing, Mem. Corp. L., § 140, p. 1464; Gen. Corp. L., §§ 4-6, 10, pp. 975-976, 978.

3. Charter may be changed by legislature, Const., art. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, charter may be amended, Gen. Corp. L., § 7, p. 977; corporate existence may be extended, Gen. Corp. L., § 32; name may be changed, Civ. Code, §§ 2411-18; number of directors and time of annual meetings may be changed, Mem. Corp. L., §§ 14-15, pp. 1440-1; TRUSTEES of property may be designated, Mem. Corp. L., § 10, p. 1437; may become a STOCK CORPORATION and be subject to stock and bus. corp. laws, Mem. Corp. L., § 144, p. 1466.

4. Incorporation of unincorporated society, how authorized, and transfer of property thereof to the corporation, Mem. Corp. L., § 5, p. 1434; REINCORPORATION under Mem. Corp. L. of corporation created by

special law, § 6, p. 1435; CONSOLIDATION of two or more corporations, § 7, p. 1435.

5. Must organize and commence operations within two years after incorporation, Gen. Corp. L., § 31, p. 988.

6. BY-LAWS, by whom made, provisions thereof, when required to be published, Gen. Corp. L., §§ 11, 29, 20, pp. 978, 987, 983; Mem. Corp. L., §§ 8-9, 13, pp. 1436-7, 1439; may provide who shall be proxies for members, and duration of proxies, Gen. Corp. L., § 21, p. 984.

7. MEMBERS of CORPORATION, charter members; new members, how chosen; how expelled, Mem. Corp. L., §§ 8-9, pp. 1436-7; Gen. Corp. L., § 3, sub. 8, p. 975.

8. CORPORATE MEETINGS and ELECTIONS of officers, when held; number, qualifications and classification of directors; voters; conduct of elections; review thereof by court; changing number of directors and time of meetings, Mem. Corp. L., §§ 140, 8-10, 14-15, pp. 1464, 1436-8, 1440; Gen. Corp. L., §§ 11, 20-7, 33, pp. 978, 983-6, 989.

9. DIRECTORS; DUTIES and LIABILITIES generally; quorum, Gen. Corp. L., §§ 20-30, 39, pp. 987, 992; annual report and inventory; right to compensation; individual interest in corporate contracts; individual liability for corporate debts, Mem. Corp. L., §§ 11, 12, pp. 1438-9; how suspended or removed, Civ. Code, §§ 1781-3, 1811.

10. CORPORATE POWERS, generally, Gen. Corp. L., §§ 10-14, 19, pp. 978-80, 982; may sue and be sued in corporate name, Const., art. 8, § 3, p. 74; conveyance, mortgage or lease of real property regulated, Mem. Corp. L., § 13, p. 1439; Ag. L., § 91, p. 970.

11. CORPORATE DUTIES and LIABILITIES; subject to visitation of sup. ct., Mem. Corp. L., § 16, p. 1441; to make annual report to comptroller, § 17, p. 1441; to sec'y of state ag. soc., § 145, p. 1467; to com'r of ag., Ag. L., § 90, p. 969.

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12. FAIRS and PREMIUMS, generally, Mem. Corp. L., § 142, p. 1465; police and police court on fair grounds, § 143, p. 1465; entrance without paying fee, injuring exhibits, gambling apparatus on grounds, betting on races, prohibited; racing regulated, Pen. Code, §§ 446, 648, 336-3, 52; L. 1895, ch. 570, §§ 8, 12, 17, pp. 3067-8, 3070; lease of grounds for running races, not permitted, Ag. L., § 91, p. 970.

13. STATE MONEYS PAYABLE to, from racing ass'n receipts; apportionment of state appropriations, Ag. L., §§ 88, 90, pp. 968-9.

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15. When entitled to state moneys; reports in relation thereto, Ag. L., §§ 88-90, p. 908.

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1. State department of, established, Ag. L., § 2, p. 942.
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(For Albany Penitentiary, see Penitentiaries.)

2. City of, stray logs in, R. S., pp. 1778-80; justice's court of, Civ. Code, §§ 2, 2234, 3223-5, 3268-79, 3207-14; court of special sessions of, Crim. Code, §§ 68-73.

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2. May subpoena, swear, attach for contempt, witnesses necessary before investigating committee of board, L. 1860, ch. 39, p. 2176; Civ. Code, §§ 843, 854-9.

3. Duties of supervisors may be devolved upon, Const., art. 3, § 26, p. 54; to consent to indenture of apprentice, R. S., p. 1900, § 6; to be fence viewers in certain cases, Town L., § 134, p. 761.

4. Municipal contract in which alderman is interested may be declared void, L. 1843, ch. 57, p. 2068; making or taking part in making is misdemeanor, Pen. Code, § 473.

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1. Who capable of, R. S., p. 1784, §§ 10-11.

2. Not by Indians without act of legislature, Const., art. 1, § 15, p. 36; R. S., p. 1784, §§ 11-12; legislative authorizations of conveyances by Indians, Ind. L., § 2, p. 203; L. 1843, ch. 87, § 4, p. 2069; R. S., p. 1785, §§ 13-14.

3. Fines, quarter sales or other like RESTRAINTS upon alienation, void, Const., art. 1, § 14, p. 36.

4. Of lands in suit is misdemeanor, Pen. Code, §§ 129-30.

5. By directors of corporation unlawfully, may be restrained or set aside, Civ. Code, § 1781.

6. Power of, not to be suspended more than two lives, R. S., p. 1791, § 23; over personality, R. S., p. 1857, §§ 1-2; period of time of suspension begins when instrument takes effect, R. S., p. 1810, § 128.

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ALIENS.

1. Rights of, to take, hold and convey lands, generally, pp. 1784-7, 1982-6, 2068-9, 2073-7, 2908.

2. Aliens holding lands, to be subject to all duties and rights excepting voting, holding office or serving on jury, R. S., p. 1787, § 20; L. 1845, ch. 115, p. 2076; not entitled to alien jury, Civ. Code, § 1190.

3. Alien heirs may inherit, when, L. 1893, ch. 207, p. 2908; L. 1845, ch. 115, p. 2073, § 4; foreign-born descendants of native-born woman may take by devise or grant, L. 1889, ch. 42, p. 2746; woman citizen and her children, wife of alien, may take by grant or devise, L. 1872, ch. 120, p. 2330; resident widow of alien holder entitled to dower, R. S., p. 1814, § 2; wife of alien resident, L. 1845, ch. 115, § 2, p. 2073; alien wife of citizen, § 3; alien resident woman may take by will or marriage settlement, §§ 7-8.

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2. INCORPORATION; number and qualifications of incorporators; contents of certificate of incorporation; name not to resemble that of existing corporation; qualifications of directors named in certificate; certificate may contain any provision which does not exempt directors from obligation imposed by law; when and where to be filed, fees for filing, L. 1882, ch. 268, §§ 2-3, p. 2541; Gen. Corp. L., §§ 4-6, 10, pp. 975-6, 978.

3. CHARTER may be changed by legislature, Const., art. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, charter may be amended, Gen. Corp. L., § 7, p. 977; corporate existence may be extended, Gen. Corp. L., § 32; name may be changed, Civ. Code, §§ 2411-18; number of directors and time of annual meetings may be changed, Mem. Corp. L., §§ 14-15, pp. 1440-1; trustees

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4. **CONSOLIDATION** of two or more corporations, Mem. Corp. L., § 7, p. 1435.

5. Must organize and commence operations within two years after incorporation, Gen. Corp. L., § 31, p. 988.

6. **BY-LAWS**, by whom made; provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 29, 20, pp. 978, 987, 983; Mem. Corp. L., § 8, p. 1436; may provide who shall be proxies for members and duration of proxies, Gen. Corp. L., § 21, p. 984.

7. **MEMBERS** of CORPORATION, L. 1882, ch. 268, p. 2541, § 3; new members, how chosen; how expelled, Mem. Corp. L., § 8, p. 1436; Gen. Corp. L., § 3, sub. 8, p. 975.

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9. **DIRECTORS; DUTIES** and **LIABILITIES** generally, L. 1882, ch. 268, § 5, p. 2542; quorum; annual report and inventory; right to compensation; individual interest in corporate contracts; individual liability for corporate debts, L. 1882, ch. 268, §§ 4-6, pp. 2541-2; Gen. Corp. L., §§ 29-30, 39, pp. 987, 992; Mem. Corp. L., § 11, p. 1438; how suspended or removed, Civ. Code, §§ 1781-3, 1811.

10. **CORPORATE POWERS**, generally, Gen. Corp. L., §§ 10-14, 19, pp. 978-80, 982; L. 1882, ch. 268, § 4, p. 2541; may sue and be sued in corporate name, Const., art. 8, § 3, p. 74.

11. Annual report to be filed with co. cl'k, L. 1882, ch. 268, p. 2543.

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1. In **CIVIL PROCEDURE**, in courts of record, generally, Civ. Code, §§ 721-30, 1997; of pleadings, §§ 539-43; after decision of demurrer, § 497; to correct names of parties, §§ 451, 2417, 1813; by bringing in parties, § 452; in proceedings for appeal, § 1303; in certiorari, habeas corpus, mandamus and prohibition, §§ 1997, 2080, 2132; in surrogate procedure, §§ 2474, 2575; in justices' court procedure, §§ 2944, 2939, 3049; of justice's return on appeal, § 3055.

2. In **CRIMINAL PROCEDURE**, of indictment, Crim. Code, §§ 293-5.

3. Amendments of **CONSTITUTION**, by concurrent resolution and submission to people, Const. a. 14, § 1, p. 86; Elect. L., §§ 6-7, 83, 104, pp. 242, 286, 297; by constitutional convention, Const. a. 14, §§ 2-3, pp. 86-7.

4. **BILLS** passed by one branch of the legislature may be amended by the other, Const. a. 3, § 13, p. 49.

AMERICAN INSTITUTE.

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Prohibitions generally, R. S., p. 1760, § 1; Crim. Code, § 899, sub. 6; dangerous, prohibited, Pen. Code, § 427; on Sunday, § 277.

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1. **STRAYING** and doing damage, lien for amount of damage; appraisal of damages by fence viewers; impounding of animals; lien may be foreclosed by sale or by action; procedure in either case, Town L., §§ 120-34, pp. 757-61; Civ. Code, §§ 1737-41; straying in highways; penalty; who may sue therefor; animals may be seized and proceedings had before justice of the peace for sale; proceeds of sale, how disposed of; appeals from order; procedure generally, Civ. Code, §§ 3082-3115.

2. When driving or leading wild and dangerous animals along **HIGHWAY**, or any animal upon a sidewalk; running horses upon highway, or interfering with animals in **CEMETERY** or **PARK**, a misdemeanor, Pen. Code, § 640, subs. 10-11; §§ 652, 666.

3. **CRUELTY** to animals defined and prohibited, including overdriving, abandonment of disabled animal, using or offering for sale animals with contagious or infectious disease, poisoning, fighting, transporting cruelly or without food or drink, etc., Pen. Code, §§ 655-69. Animals impounded must be properly fed, Pen. Code, § 657; L. 1867, ch. 375, p. 2243.

(See Societies for Prevention of Cruelty to Animals.)

4. Contagious and infectious **DISEASES** of **DOMESTIC** animals, suppression of, by com'r of agriculture; farms to be quarantined; animals to be inspected and killed; compensation therefor; acceptance of federal regulations and co-operation with federal inspectors, Ag. L., §§ 60-70, pp. 955-8; suppression of tuberculosis and glanders by state board of health, Pub. H. L., §§ 60-5, pp. 810-14; using or selling, or refusing to kill glandered horse, a misdemeanor, Pen. Code, § 658; violations of orders of com'r of agriculture or of health board a misdemeanor, Pen. Code, §§ 396-7, 408a.

5. Keeper of, has lien for board, and may foreclose by action, L. 1872, ch. 498, p. 2332.

Animals,
cruelty to,
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6. NOXIOUS animals; supervisors and town meetings may make regulations for destruction of and rewards therefor, Co. L., § 12, sub. 7, p. 597; Town L., § 24, sub. 5, p. 733.

See Bees; Birds; Cows; Deer; Dogs; Fish; Game; Horses.

ANCILLARY LETTERS.

When to be issued, Civ. Code, §§ 2695-6; to whom, § 2697; petition and bond, § 2699; disposition of estate, §§ 2700-2; proof of foreign wills, §§ 2703-4.

ANNUITIES.

Apportionment for fractional periods, Civ. Code, § 2720; corporations may sell, Ins. L., § 70, p. 1160; must deposit bonds and report annually, §§ 73-4, pp. 1162-3.

See Insurance Law.

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1. In civil actions, time to serve, prescribed, Civ. Code, § 418; may be, §§ 781-3; time in case of substituted service, § 445; of arrest, § 566; contents of, §§ 498, 500; counterclaim defined; its limitations; judgments on, §§ 501-6; may allege several and different defenses, §§ 507-8; verification of, when need not be verified, §§ 525-9, 513; must demand affirmative judgment if desired, § 509; answer admitting part of demand; judgment may be entered on severance, § 511; if counterclaim less than complaint, judgment may be entered for balance, § 512; when answer may be served on co-defendant, § 521; answer to amend complaint, § 543.

6. Answer in suits to quiet title, Civ. Code, §§ 1640-1; in divorce, § 1757; in summary proceedings, § 2244; in justice's court, § 2939; in partition, § 1543; in injunction proceedings, §§ 609, 630.

7. To indictment; time for and contents, Crim. Code, §§ 311-2.

See Pleadings.

ANTENUPTIAL.

Contracts valid, L. 1848, ch. 200, p. 2104; settlements upon aliens valid, L. 1845, ch. 115, p. 2073.

APPEALS.

- A. From justices' court to county court.
- B. From special sessions and magistrates to county court.
- C. From inferior local courts.
- D. To appellate division of supreme court in actions and special proceedings.
- E. To the court of appeals.
- F. Appeals from boards and officers other than courts and judges.

A. Appeals from justices' court to county court.

1. General provisions as to perfecting appeal, and justice's return appeal to county

court; the only mode of review; who may appeal, Civ. Code, §§ 3044-6; notice of appeal, general form, § 3046; but if appeal is for new trial in co. ct., notice of appeal must so state, § 3068; appeal perfected by service of notice of appeal and payment of costs and fee for return, without undertaking, except on appeal for new trial in co. ct., when undertaking must be given; in all cases undertaking may be given, and when given stays proceedings below; how notice and undertaking served, §§ 3046-52, 3068-9; justice's return, when and where filed; contents; further and amended return; justice out of office to make return; affidavits as substitute for return, if justice dead, §§ 3053-6.

2. Appeals for errors of law by justice; notice of argument; procedure in co. ct.; respondent's offer of compromise; dismissal of appeal, Civ. Code, §§ 3062-3; judgment, nature of, generally, § 3063; may direct restitution upon reversal, § 3058; may set off costs against recovery, § 3059; costs and disbursements, when awarded, and amount thereof; when costs below and fee for return may be included in appellant's disbursements, § 3060; judgment-roll, § 3061.

3. Appeal to open default for failure of defendant to appear before justice, same as 2, above, except that affidavits may be presented to co. ct.; judgment may direct new trial before justice, Civ. Code, § 3064; proceedings on such new trial, § 3065; costs of appeal in discretion of co. ct., § 3066, sub. 2.

4. Appeal for errors of fact not within the knowledge of the justice, same as 2, above, except that affidavits may be presented or witnesses sworn in co. ct., Civ. Code, § 3057.

5. Appeal for new trial in co. ct., when allowed; notice of appeal must so state; undertaking must be served to perfect appeal, Civ. Code, §§ 3068-9; offers of compromise before and after return and effect thereof on costs, §§ 3070, 3072; procedure in co. ct., and judgment generally, § 3071; judgment may direct restitution, § 3058; may set off costs against recovery, § 3059; costs and disbursements, §§ 3073, 3080; judgment-roll, §§ 3071, 3061.

B. Appeals from courts of special sessions and magistrates to county court.

6. Such convictions reviewable only by appeal to co. ct., Crim. Code, § 749; defendant, only, may appeal, for what grounds, §§ 750-1; appeal, how taken and procedure thereon generally, Crim. Code, §§ 751-69; in BAS-TARDY cases, Crim. Code, §§ 861-76.

C. Appeals from inferior local courts.

7. From justices' court of the city of Albany, Civ. Code, § 3213; of the city of Brooklyn, Civ. Code, § 3068; of the city of Buffalo, Const. a. 6, § 5, p. 63; Civ. Code, §§ 1340, 1344, 3045; of the county of Kings, Civ. Code, § 3068; from New York city ct., Civ. Code,

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§§ 3190-3; from New York city district ct., § 3213; from justices' court of Troy, § 3213. Const. a. 6, § 5; Civ. Code, §§ 1340, 1344, 3045; of the county of Kings, Civ. Code, § 3068; from New York city ct., Civ. Code, §§ 3190-3; from New York city district ct., § 3213; from justices' court of Troy, § 3213.

D. Appeals to appellate division of supreme court in actions and special proceedings.

8. General provisions, Civ. Code, §§ 1293-1323, 1224; case, when necessary, how made settled and served, §§ 997-8; Sup. Ct. Rules 41-3; when party prosecutes as a poor person, Civ. Code, p. 466; no appeal from order denying motion to strike out pleading as frivolous, § 537; nor from order giving case preference on calendar, § 793; order made by co. judge in sup. ct. action, appealable as if made by sup. ct. judge, § 774; time to appeal cannot be extended, except for 4 mos. after death of party, §§ 784-5; lien of judgment pending appeal, §§ 1255-9; stay of proceedings on judgment in action for dower, pending appeal, § 1616; appeals from orders in habeas corpus and certiorari, §§ 2038, 2058-61, 2063; in mandamus, § 2087; in prohibition, § 2101; in summary proceedings for possession of real property, §§ 2260-3; in arbitration, § 2381; in supplementary proceedings, § 2433; in proceedings for disposition of real property of decedent, §§ 2547, 2569.

9. From SURROGATE'S COURT and surrogates generally, Civ. Code, §§ 2568-89, 2545, 2549.

10. From judgments and orders of COUNTY COURTS and county judges, generally (see 8, above), §§ 1340-5; from orders of county judge in sup. ct. action, § 774.

11. From judgments and orders of SUPREME COURT judges and of supreme court at trial and special terms, IN CIVIL MATTERS, generally (see 8, above), Civ. Code, §§ 1346-61; in condemnation proceedings, §§ 3375-6; costs, when awarded, §§ 3238-40; amount thereof, § 3251; sub. 3-4; disbursements, § 3256; IN CRIMINAL MATTERS, generally, Crim. Code, §§ 517-18, 520-7, 529-35, 537-49; from county court, judgment on an appeal taken to that court, §§ 769-72; from judgment of outlawry, §§ 822-6.

E. Appeals to the court of appeals.

14. JURISDICTION. In an action or special proceeding, civil or criminal, appeals can be taken to ct. app. only from a judgment or order of appellate division of the supreme court (or of gen. term before Dec. 31, 1895), except that appeal from judgment of death by sup. ct. at trial term may be taken directly to ct. app., and except, probably, that appeals may be taken to ct. app. from judgments of the board of claims, Const., a. 6, § 9, p. 64; Civ. Code, §§ 190-1; Crim. Code, § 517; L.

1883, ch. 205, §§ 10-11, pp. 2565-6; when appeals may be taken to ct. app. as a matter of right, and when only as allowed by app. div., sup. ct., Const. a. 6, § 9, pp. 64-5; Civ. Code, §§ 190-1, 1324, 2261; Crim. Code, §§ 517, 519-20, 749, 771; right to appeal to ct. app. (after Dec. 31, 1895) not to depend upon amount involved, Const. a. 6, § 9, p. 65; jurisdiction of ct. app. limited (after Dec. 31, 1895) to review of questions of law, except when judgment is of death, Const., a. 1, § 9, p. 64; Crim. Code, § 528; no appeal to ct. app. from judgment of app. div., sup. ct., on appeal from co. ct. in a criminal matter appealed to co. ct., except from a judgment of commitment of a child, Crim. Code, §§ 749, 771.

15. Procedure on appeals to ct. app. in civil matters, generally, Civ. Code, §§ 1293-1303, 1305-8, 1319-39; making, printing, filing and serving cases and points, Ct. App. Rules 4-7; costs when awarded, Civ. Code, §§ 3238-40; amount thereof, § 3251; disbursements, § 3256.

16. Procedure on appeals to ct. app. in criminal matters, generally, Crim. Code, §§ 515-17, 518-26, 528-34, 536-49, 583-5; Ct. App. Rules 4-7.

F. Appeals from boards and officers other than courts and judges.

17. In TAXATION, from decision on writ against assessor preferred for trial, how taken, L. 1880, ch. 269, § 7, p. 2474; to state assessors from boards of supervisors on equalization of assessments as between towns, practice and costs, L. 1859, ch. 312, §§ 13-15, pp. 2174-5.

18. From election incorporating village, L. 1870, ch. 291, p. 2266; from decision of COMMISSIONERS appraising land for village purposes, L. 1870, c. 291, pp. 2283, 2305.

20. In HIGHWAY cases, by non-resident from assessment, High. L., § 36, p. 681; from decision of commissioners in bridge proceedings, §§ 140-1, p. 712; from inspectors of plank roads, Trans. Corp. L., § 134, p. 1373.

21. From RAILROAD commissioners to supreme court, R. R. L., § 59, p. 1286.

22. From TOWN BOARD to supervisors in allowing fees, Town L., § 163, p. 768.

23. From HEALTH OFFICER to quarantine commissioners, Pub. H. L., § 125, p. 832.

24. From decision of DRAINAGE commissioners, R. S., pp. 1916, § 5; 1920, § 10; 1926, § 21; 1928, § 23.

25. From order in LUNACY proceedings, L. 1874, ch. 446, § 11, p. 2357; from decision of POOR superintendent as to settlement, L. 1872, ch. 38, p. 2330.

26. From local board of LABOR arbitration to state board, L. 1887, ch. 63, § 6, p. 2692.

APPEARANCE.

1. In CRIMINAL matters; of party bound to keep the peace; forfeiture of bond, Crim.

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Code, §§ 94-5; of witnesses under bond, §§ 215-6; of defendant for arraignment, §§ 297-9; of indicted corporations, §§ 681-4; of defendant convicted of outlawry, §§ 816-9.

2. In CIVIL actions, by whom made, Civ. Code, § 55; when and how, § 421; effect of voluntary appearance, § 424; after appearance all papers to be served on attorneys, § 799; of parties in surrogate's court, § 2528; in justice's court, §§ 2886-93, 2988.

APPELLATE DIVISION OF SUPREME COURT.

See Courts, 7.

APPOINTMENT.

To public office or employment therein, bribery and corrupt bargains for, prohibited; appointment so procured, void, Pen. Code, §§ 52-4.

APPRAISAL AND APPRAISERS.

Of property of decedent, see Executors and Administrators; Transfer Tax Law.

APPRENTICES.

1. Covenants necessary in indentures, L. 1871, ch. 934, §§ 2, 3, pp. 2327-8; by whom executed, R. S., pp. 1898-9; consent of both parents necessary, L. 1862, ch. 172, p. 2183; ch. 934, §§ 7-8; p. 2329; on complaint of apprentice or master, Crim. Code, §§ 930, 938; who may execute, L. 1871, ch. 934, p. 2327; orphan asylums may execute, L. 1884, ch. 438, p. 2621; secretary of state board of charities may execute, L. 1873, ch. 661, p. 2347; overseers of poor, R. S., p. 1900, § 6; by minors from foreign country for passage money, R. S., p. 1901, §§ 12-14.

2. Assignment of indenture after death of master, Crim. Code, §§ 939-40.

3. Cancellation of indentures, L. 1871, p. 2329, §§ 7, 8; on complaint of apprentice or master, Crim. Code, §§ 930, 938.

4. County superintendents to be guardians of pauper apprentices, R. S., p. 1902, § 27.

5. Apprentices not to be restrained in exercising their trade; penalties for violation, R. S., p. 1902, §§ 29, 40.

6. Reasonable correction of apprentice. Penal Code, § 223; apprentice absenting himself, or disobedient, may be arrested; hearing by magistrate; judgment, Crim. Code, §§ 927-30; violations of indenture by master, how prosecuted and punished, Crim. Code, §§ 931-8.

APRONS.

Dams on logging streams to be provided with aprons, L. 1889, ch. 533, p. 2488.

APPROPRIATIONS BY LEGISLATURE.

For private person or undertaking, prohibited, Const. a. 8, § 9, p. 75; two-thirds

vote required for appropriations for local or private purposes, a. 3, § 20, p. 52; three-fifths vote for other appropriations, § 25, p. 54; appropriations limited to two years; items to be specified; riders to appropriation bills prohibited, §§ 21-2, p. 53; governor may veto separate items in one bill, a. 4, § 9, p. 57; appropriation bills to be referred to proper committee of each house, Leg. L., § 22, p. 349.

ARBITRATION AND ARBITRATORS.

Submission of controversy to arbitration; what controversies may be submitted; procedure thereon generally, including award; judgment thereon; appeal therefrom, etc., Civ. Code, §§ 2365-86, 854; if arbitration revoked, statute of limitations suspended in meantime, § 411.

ARBOR DAY.

Date of; must be celebrated by public schools; state supt. to circulate program; annual appropriation, Consol. Sch. L., pp. 1610-11, §§ 44-7.

ARMORIES.

1. Supervisors on proper demand must provide and equip regimental armories, Mil. Code, p. 546, § 170; and company armories, § 171; expense of building and furnishing to be county charge, § 172; supervisor may purchase or condemn sites, § 175.

2. In New York city, demand made on armory board; which recommends to commissioners of sinking fund, who fix amount of expense; to be raised by tax or by bonds, § 173; new sites may be selected and condemned by board, § 174; Civ. Code, §§ 3357-84.

3. Control vested in ranking officer of the command; to provide room for G. A. R., Mil. Code, p. 551, § 176; service provided for armories, § 177; commander-in-chief to make rules and regulations, § 178; liquors forbidden in, Pen. Code, § 674c; injury to armory or contents prohibited, § 640, sub. 13.

ARMS.

1. Of STATE, described; to be displayed in certain public offices; prohibition of other devices for certain official letter heads and vignettes, State L., §§ 40-2, pp. 197-8.

2. Right to bear arms not to be abridged; when not to be compelled, R. S., pp. 1649-50, §§ 3-5.

See Firearms.

ARRAIGNMENT.

On indictment, when and how made and proceedings thereon, Crim. Code, §§ 296-9, 308-10; after conviction and before judgment, § 480; indicted corporation, how arraigned, § 681.

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ARREST.

A. As a provisional remedy in civil actions in courts of record

1. WHEN AND BY WHOM GRANTED; no arrest without statutory authority, Civ. Code, § 548; order of arrest, when authorized; when may be granted by court only, and when by judge; what judges may grant, §§ 549-52, 556, 241; may be granted by app. div., if refused by sup. ct. or justice thereof on application, without notice, § 1348; when may be granted in addition to attachment and injunction in same action, § 719; plaintiff may be arrested if answer sets up counterclaim showing grounds therefor, § 720; may be granted before or after service of summons; when may be granted after final judgment, §§ 551, 558; for what purpose granting of order is deemed commencement of action, § 416; who exempt from arrest, §§ 553-5, 564-5, 119; members and officers of legislature, Leg. L., § 2, p. 341; canal officers, Canal L., § 31, p. 429; proceedings by insolvent debtor to obtain exemption from arrest, Civ. Code, §§ 2188-99; Pen. Code, § 580.

2. UPON WHAT PAPERS GRANTED; AFFIDAVIT, Civ. Code, §§ 557, 3343 sub. 11; UNDERTAKING, when necessary, and how executed; acknowledgment; who may be sureties; justification of sureties; approval by court or judge; complaint must show grounds for arrest, §§ 558-60, 810-13; L. 1893, ch. 720, p. 2953; defendant may apply for increase of security, Civ. Code, §§ 567-8; state, municipal corporation, or officer in behalf of either, need not give undertaking, § 1990; attorneys can not be sureties, Sup. Ct. Rule 4.

3. CONTENTS OF ORDER; HOW AND WHEN SERVED; papers to be delivered at time of arrest, Civ. Code, §§ 561-3; Sup. Ct. Rule 13; place and manner of imprisonment, Civ. Code, §§ 561-3, 110, 112-32; jail liberties and escapes, §§ 145-71.

4. Affidavit and undertaking must be FILED, §§ 562, 590; Sup. Ct. Rule 4; def't may apply for REDUCTION of amount OF BAIL fixed in the order, §§ 567-8.

5. Time to answer after arrest, Civ. Code, § 566; action in which arrest made entitled to preference on the calendar, Sup. Ct. Rule 36.

6. VACATING order of arrest by motion without notice on papers on which order was granted; on notice and affidavits, Civ. Code, §§ 567-8, 719; motion to vacate must be decided within twenty days, § 719; by app. div., on motion, if order granted without notice, or, on appeal, if order granted with notice, § 1348.

7. DISCHARGE from imprisonment on giving bail, or deposit in lieu of bail; exoneration of bail by surrender of defendant, Civ. Code, §§ 573-601, 810-813; discharge by reason of plaintiff's delays, § 572; admission to jail liberties, §§ 145-71; proceedings by

insolvent debtor, arrested, to obtain discharge from imprisonment, §§ 2188-99; Pen. Code, § 589.

B. As provisional remedy in civil actions in courts not of record.

8. In justices' courts, Civ. Code, §§ 2894-2904.

9. In local inferior courts, Civ. Code, §§ 3210-11, 3217-19, 3221.

C. In criminal actions and special proceedings of a criminal nature.

10. General provisions; arrest defined; who may make and how; aid may be required, Crim. Code, §§ 167-76, 186-7; arrest without warrant, by peace officer, §§ 177-82; by private person, §§ 183-5; arrest on order for recommitment after giving bail, before or after indictment; proceedings thereon, Crim. Code, §§ 599-602; punishment for delay in taking person arrested before magistrate; for arrest without authority, Pen. Code, §§ 118-19; for malicious arrest, § 556; for conspiring to falsely arrest, § 168; arrest of rioters, Crim. Code, § 107; habitual criminals, §§ 512-4; of fugitives from justice, § 827; of vagrants, §§ 888-92; of disorderly persons, § 900; of outlaw, § 825.

11. Warrant of arrest by magistrate, on what proofs may be issued; form and contents; how and by whom served, in same or another county; proceedings thereon, Crim. Code, §§ 148-66.

12. Arrest after indictment on bench warrant, in what cases and by whom issued; form and contents; how and by whom served; proceedings thereon, Crim. Code, §§ 299-305, 307, 578-82; after conviction, §§ 473-9.

D. Arrest on execution against the person, see Execution.

E. Arrest on attachment in contempt proceedings, see Attachment.

F. ARREST OF JUDGMENT in criminal action, on what grounds; motion in, defined; when and how made; proceedings, if judgment arrested, Crim. Code, §§ 467-70.

ARSENALS.

See Armories.

ARSON.

1. Defined; three degrees; punishment for each; definitions of night-time; inhabited building, Pen. Code, §§ 486-95.

2. Burning property; not amounting to arson, punishable, Pen. Code, § 637; may be conspiracy to commit arson, without overt act, § 171; unintentionally causing death of human being while committing arson, is murder in first degree, § 183.

ASSAULT.

Defined; three degrees; punishment for each; justifiable assault, Pen. Code, §§ 217-24;

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jurisdiction of special sessions over assault in third degree, Crim. Code, § 56, sub. 2; assault in presence of court, § 93; Civ. Code, § 8; Pen. Code, § 143.

ASSESSMENT.

1. For purposes of taxation, see Taxation.
2. Assessment for highway labor, see Highways.
3. Assessment of damages, on judgment by default in civil action in court of record, Civ. Code, §§ 1213-16; evidence therefor may be taken by commission, § 888, sub. 1.
4. Writ of assessment of damages, as substitute for writ of ad quod damnum, Civ. Code, § 2103; is a state writ, § 1991; governor may cause application to be made therefor, to condemn lands for state use, § 2104; U. S. dist. att'y may apply for, to condemn lands for use of U. S., § 2119; procedure thereon generally, in either case, §§ 1992-3, 1995-9, 2007, 2104-2118. (See Condemnation Law, Civ. Code, §§ 3357-84.)
5. Assessment of state lands for local improvements, how made and collected, Pub. Lands L., § 20, p. 397.
6. Assessments for political purposes, defined and prohibited, L. 1883, ch. 354, § 11; p. 2583; Pen. Code, §§ 41u, 41v.

ASSEMBLY.

A. The legislative assembly

1. Is composed of 150 members, Const. a. 3, § 2, p. 40; number to which each county is entitled; apportionment of a county entitled to more than one assemblyman into assembly districts, by supervisors; review thereof by sup. ct., § 5, pp. 45-8.
2. Filling and vacating office of member of assembly; one to be elected from each district at annual general election, Const. a. 3, §§ 5, 9, pp. 45, 48; are state officers, Pub. Off. L., § 1, p. 325; to be ELIGIBLE to the office, must be of full age, citizen of U. S., and resident of the state, Pub. Off. L., § 3, p. 325; must not at time of his election, nor within 100 days previous thereto, have been a member of Congress, a civil or military officer under U. S. gov't, or an officer under any city gov't, Const. a. 3, § 8, p. 48 (see, under Public Officers, convictions which disqualify from holding office); assembly is judge of the qualifications and election of its members. Const. a. 3, § 10, p. 49; TERM OF OFFICE commences on Jan. 1, next after election, Const. a. 10, § 6, p. 81; Pub. Off. L., § 4, p. 326; duration thereof is one year, Const. a. 3, § 2, p. 40; no holding over after expiration of term, Pub. Off. L., § 5, p. 326; salary, \$1,500 per year and mileage, Const. a. 3, § 6, p. 48; when payable, Leg. L., § 5, p. 342; additional compensation, fees and perquisites; increase or decrease of salary during term, prohibited, Const. a. 10, § 9, p. 81; Pen.

Code, § 48; OFFICIAL OATH must be taken and filed with sec'y of state, before entering on duties of office, and before Jan. 17, or office forfeited; form of oath; who may administer, Const. a. 13, § 1, p. 84; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; acting without taking and filing oath is a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332; OFFICE FORFEITED, by failure to take and file official oath, Pub. Off. L., §§ 13, 20, pp. 331, 333; by acceptance of certain other offices, Const. a. 3, §§ 7-8, p. 48 (see, also, under Public Officers, convictions which work forfeiture of office); EXPULSION of members, Leg. L., § 3, p. 342; RESIGNATION of office must be in writing, addressed to the speaker and filed with the sec'y of state, Pub. Off. L., § 21, p. 334; VACANCY in office when filled by special election, when at general election, Elect. L., § 4, p. 240.

(For other provisions common to senators and members of assembly, see Legislature; applicable to all public officers, see Public Officers.)

3. Officers and employees of assembly, Leg. L., §§ 7-22, pp. 343-8.

4. Powers and duties of assembly; legislative power of state vested in senate and assembly, Const. a. 3, § 1, p. 39; has power of impeachment, Const. a. 6, § 13, p. 66.

See Legislature.

B. ASSEMBLIES, GENERALLY, unlawful disturbance of, punishable, Pen. Code, §§ 448-51.

ASSESSORS.

A. Town assessors.

1. FILLING and VACATING the office; three in each town; one to be elected at each annual town meeting for term of three years, Town L., §§ 12, 15, pp. 727-8; Const., art. 10, § 2, p. 80; are local officers, Pub. Off. L., § 2, p. 325; to be ELIGIBLE to the office must be of full age, citizen of U. S., resident and elector of town, Pub. Off. L., § 3, p. 325; Town L., § 50, p. 744 (see, under Public Officers, convictions which disqualify for holding office); HOLD OVER after expiration of term, until successor chosen and qualified, Town L., § 12, p. 727; Pub. Off. L., § 5, p. 326; COMPENSATION, \$2 for each day actually devoted to duties of office, Town L., §§ 178, 166, pp. 773, 770; a town charge, § 180, p. 774 (see, under Towns, town charges, how audited and collected); OFFICIAL OATH, must be taken and filed with town clerk, within ten days after notice of election, or office forfeited; form of oath; what officers may administer oath; no fees to be charged therefor, Town L., §§ 51, 56, 39, pp. 744, 746, 739; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289; entering upon duties of office without filing oath, a misdemeanor, but does not invalidate official acts, Pen. Code,

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§§ 42-3; Pub. Off. L., § 15, p. 332. (As to convictions which work FORFEITURE of office, see Public Officers.) RESIGNATION of office, must be made in writing addressed and delivered to the town clerk, and may be accepted by three justices of the peace, Pub. Off. L., § 21, p. 334; Town L., § 64, p. 749; VACANCIES in office, how filled, § 65, p. 749; §§ 12, 20, pp. 727, 732.

2. Powers and duties (as to making assessments, see Taxation); are ex officio fence viewers, Town L., § 23, p. 733 (see Fence Viewers); and water commissioners, R. S., § 16, p. 1923 (see L. 1895, ch. 384, p. 3037); in absence of supervisor, to receive election returns and act on canvassing board, Elect. L., §§ 117, 130, pp. 300, 311.

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B. State assessors.

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7. VACATING attachment by def't, or subsequent lienor, on papers on which granted, without notice; on new proofs with notice, Civ. Code, §§ 682-6, 719; motion to vacate must be decided within twenty days, § 719; by app. div., on motion, if warrant granted without notice; or, on appeal, if order granted with notice, § 1348; restoration of property and return of warrant if attachment vacated, §§ 709-12.

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2. Power of attorney, generally, may be executed by resident married woman, with like effect and in same manner as if single, L. 1878, ch. 300, p. 2106; L. 1884, ch. 381, pp. 2105-6; L. 1879, ch. 249, p. 1837.

B. Attorneys-at-law.

3. ADMISSION; attorneys of other states and countries of 3 years' practice, may be admitted without examination; other applicants must first be examined by state board of law examiners, in accordance with ct. app. rules; qualifications; procedure generally for examination and admission, Civ. Code, §§ 56-8; Ct. App. Rules 1-9, for admission of att'ys; rules of state board of law examiners, Sup. Ct. Rule 1; oath of office and certificate of admission, Civ. Code, § 59; Const. a. 13, p. 84; fees for certificate, Civ. Code, §§ 59, 3304; fraud or deceit in proceedings for admission, ground for revocation of license, Civ. Code, § 56; and for suspension or disbarment, § 59.

4. Without being admitted, may practice in justices' courts generally, Civ. Code, § 2889; but not in counties of New York or Kings, § 64; nor in courts of record, § 14, sub. 4.

5. Disbarment, suspension, revocation of license, Civ. Code, §§ 67-9, 56.

6. Attorney admitted and having office in this state, may practice here, though residing in an adjoining state, Civ. Code, § 60.

7. Officers, etc., prohibited from practicing, judges of ct. app. and sup. ct.; co. judges and surrogates in counties of over 120,000 population; legislature may prohibit co. judges and surrogates in other counties, Const. a. 6, § 20, p. 69; judge, or his partner or clerk, in his own court, Civ. Code, §§ 49-50, 2495-6; court clerks and deputies, § 61; sheriffs and deputies, § 62; constable, law clerk or partner of justice in justice's court, § 2889; surrogate's son before surrogate, § 2529; district attorney, his clerk or partner as to defense of criminal prosecutions, Pen. Code, §§ 670-1; Civ. Code, §§ 78-81.

8. PROOF OF AUTHORITY to act as attorney for party may be required in action

of ejectment, Civ. Code, §§ 1512-14; in justice's court, § 2890.

9. SUBSTITUTION of attorney, Sup. Ct. Rule 10; stay of proceedings on DEATH or DISABILITY of attorney, Civ. Code, § 65.

10. Misconduct of attorney, grounds for suspension or disbarment, Civ. Code, § 67; deceit or collusion, Civ. Code, § 70; Pen. Code, § 148; willful delay or receiving money on account of money not laid out, Civ. Code, § 71; Pen. Code, § 148; permitting another to use his name, Civ. Code, § 72; Pen. Code, §§ 149-50; buying claims for prosecution, or promising or giving consideration for having claims prosecuted, Civ. Code, §§ 73-76; Pen. Code, §§ 136, 139-40; disclosing professional communications, Civ. Code, § 835; embezzlement by attorney is larceny, Pen. Code, § 528; unless money returned before prosecution commenced, § 549.

11. Compensation and lien of attorney, Civ. Code, § 66; when not entitled to witness fees, § 3288; liable for costs of non-resident client plaintiff who does not give security for costs, § 3278.

12. Attorney cannot be bail, or surety in undertaking, Sup. Ct. Rule 4; when privileged from arrest, Civ. Code, § 565.

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2. **EX OFFICIO**, the attorney-general is a commissioner of the land office; a commissioner of the canal fund; a member of the canal board, Const. a. 5, § 5, p. 60; a member of the state board of canvassers, Elect. L., § 138, p. 318; a member of state board of health, Pub. H. L., § 2, p. 788; a member of the board to award legislative printing, Leg. L., §§ 72-7, pp. 358-64.

3. Deputies and their compensation, Exec. L., § 51, p. 374; which deputy and when to act during absence, inability or vacancy of att'y-gen'l; hold over in case of vacancy, Pub. Off. L., § 9, p. 328.

4. Office expenses, amount of appropriations for, Exec. L., § 50, p. 374.

5. **POWERS AND DUTIES**, generally, Exec. L., §§ 52-6, pp. 375-6; to furnish advice to state boards, and officers, other than military, Exec. L., § 52, sub. 1, p. 375; L. 1895, ch. 771, § 17, p. 3096; and to the legislature or either house thereof, Exec. L., § 70, p. 379; when required by the governor, to take place of district attorney in criminal prosecutions, and to employ additional counsel for such purpose, Exec. L., § 52, sub. 2; § 55, pp. 375-6; to conduct the trial before the senate of charges for the removal of certain state officers, Pub. Off. L., § 22, p. 335; to conduct examination of charges for removal of public officer by the governor, Pub. Off. L., § 24, p. 336.

6. To file annual catalogue of law library, L. 1850, ch. 155, p. 2115; to represent beneficiaries in charitable bequests, L. 1893, ch. 701, p. 2937; to approve applications by insurance companies, Ins. L., § 10, p. 1135; to foreclose state mortgages, R. S., p. 1670; when to bring actions against banking corporations, Bank. L., §§ 7, 14, 17, 18, 119, 127, 129, pp. 1032 to 1096; against life insurance companies, Ins. L., §§ 207-8, p. 1215; to bring certain actions against officers of corporations, Civ. Code, § 1782; to dissolve corporations, § 1786; to annul corporations by direction of legislature, § 1797; when to proceed against corporations, § 1808; may maintain action for penalty or forfeiture in name of people during second and third years, § 387; summons in partition of real property may be served on attorney-general when state is one of defendants, § 1594; authorized to visit county jails and work-houses, Co. L., § 103, p. 627; when to be cited in administration proceedings, Civ. Code, § 2663; to conduct actions for trespass upon forest preserve, Fish. L., § 280, p. 925; to approve and certify contracts in relation to forest preserve, § 292, p. 929.

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8. When action may be conducted in name of attorney-general, Pen. Code, § 150; may not take part in certain actions, Civ. Code, §§ 78, 80; may not be excluded from criminal examinations, Crim. Code, § 203; may inspect all depositions filed in criminal matters, § 205; cannot discontinue criminal prosecution, § 672.

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2. Arrested person may elect, between bail, deposit in lieu of bail, or bond for jail liberties, Civ. Code, § 574; bail or deposit may be given at any time after arrest and before execution against the person; opportunity to procure before commitment to jail, § 573.

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2. CERTIFICATE OF INCORPORATION; number and qualification of incorporators, Bank. L., § 40, p. 1054; Gen. Corp. L., § 4, p. 975; contents of certificate, generally, Bank. L., § 40, p. 1054; may contain any provision not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978; may provide for preferred stock, Stock Corp. L., § 47, p. 1021; for cumulative voting, Gen. Corp.

L., § 20, p. 983; name not to resemble name of existing corporation, § 6, p. 976; number and qualifications of directors named in certificate, Bank. L., § 40, p. 1054; Gen. Corp. L., § 29, p. 987; how certificate executed and where filed, Bank. L., § 40, p. 1054; Gen. Corp. L., § 5, p. 976; certificate cannot be filed without approval of supt. banks and his certificate that it has complied with law and is authorized to transact banking business, Bank. L., § 30, p. 1048. Exempt from provision as to payment of tax on organization, Laws 1886, chapter 143, section 1, p. 2664. Fee of county clerk for filing, 6 cents and 10 cents per folio, Civ. Code, § 3304.

3. CHARTER MAY BE CHANGED by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation certificate of incorporation may be amended, § 7, p. 977; Bank. L., § 41, p. 1055; corporate existence therein specified may be extended, Gen. Corp. L., § 32, p. 983; business may be altered or extended, Stock Corp. L., § 32, p. 1015; name may be changed by court, Civ. Code, §§ 2411-17; place of business may be changed, Bank. L., § 29, p. 1047; may increase am't of capital stock, or no. of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or no. of directors, § 21, p. 1009.

4. CERTIFICATE PRESUMPTIVE EVIDENCE of incorporation and of facts recited, Gen. Corp. L., § 9, p. 978; certified copy is evidence, Civ. Code, § 933; if certificate filed be lost or destroyed, it may be replaced, Gen. Corp. L., § 8, p. 977.

5. BEFORE COMMENCING BUSINESS capital stock must all be paid in cash; deposit made with supt; certificate of supt, and affidavit of officers filed, Bank. L., §§ 12-13, 49, 57, pp. 1034-5, 1058, 1060; charter forfeited unless such affidavit be filed within one year, § 13, p. 1035; and business commenced within two years, Gen. Corp. L., § 31, p. 988.

6. CORPORATE POWERS; has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; perpetual succession for what period, Gen. Corp. L., § 11, sub. 1, p. 978; Bank. L., § 40, sub. 5, p. 1054; Gen. Corp. L., § 32, p. 988; may adopt and alter corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978; if not adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; may make by-laws, Gen. Corp. L., § 11, p. 978 (see 7. By-Laws, post); may take property by grant or will and dispose thereof, Gen. Corp. L., §§ 11, 13-14, pp. 978, 980; Bank. L., § 43, sub. 3, p. 1056; improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3; bonds not to be issued for less than market value, Stock Corp. L., § 42, p. 1019; may guaran-

tee bonds of other corporations; sell property and franchises to another corporation, Stock Corp. L., §§ 40, 33, pp. 1017, 1015; consolidate with other corporations, Bank. L., §§ 34-8, pp. 1050-3; but not so as to create monopoly, L. 1893, ch. 716, p. 2953; corporation has all powers necessary to carry on business of banking as described, Bank. L., § 43, p. 1056; as to circulating notes, Bank. L., §§ 64-71, 78, 80-4, pp. 1064-77.

7. BY-LAWS, adopted by stockholders, control directors; directors may make, if stockholders do not; by-laws, made by directors, regulating elections, to be published, Gen. Corp. L., §§ 11, 29, pp. 978, 987; by-laws may provide for the management of the corporate property and the regulation of its affairs, Gen. Corp. L., § 11, p. 978; the manner of transferring stock, § 11, p. 978; Stock Corp. L., § 40, p. 1017; fix time and place of elections of directors, regulate notice thereof, and the calling of stockholders' meetings generally, Stock Corp. L., § 20, p. 1009; Gen. Corp. L., § 11, p. 978; fix quorum of stockholders' meetings, Gen. Corp. L., § 11, p. 978; and manner of appointing inspectors of election thereat, Stock Corp. L., § 28, p. 1012; prescribe powers and duties of officers, Stock Corp. L., § 27, p. 1012; fix quorum of directors, and what proportion of quorum must concur to constitute action by board, Bank. L., § 50, p. 1058; Gen. Corp. L., § 39, p. 992; manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009; Bank. L., § 50, p. 1058.

8. CORPORATE MEETINGS AND ELECTIONS; directors to be elected by stockholders; other officers to be appointed by directors, Gen. Corp. L., § 11, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012; Bank. L., § 50, p. 1058; time of annual election of directors may be fixed by certificate of incorporation, Bank. L., § 40, p. 1055; otherwise by by-laws, Gen. Corp. L., § 11, p. 978; Stock Corp. L., § 20, p. 1009; notice of election, how given, Stock Corp. L., § 20, p. 1009; quorum at stockholders' meeting may be fixed by certificate of incorporation; otherwise by by-laws, Bank. L., § 40, p. 1054; Gen. Corp. L., § 11, sub. 5, p. 979; qualifications of voters, proxies, challenges, inspectors, election procedure generally, review of election by court; director not to be an inspector, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012; directors to be elected by plurality vote, Stock Corp. L., § 20, p. 1009; term of office of director one year, Bank. L., § 50, p. 1058; special election of directors, when and how held, Gen. Corp. L., §§ 24-6, pp. 985-6; Bank. L., § 50, p. 1058; voting or giving proxy to vote without title, possession and control of stock; selling vote or proxy; violation of his oath by inspector, punishable, Pen. Code, § 613.

9. OFFICERS, including DIRECTORS; filling and vacating the offices. Directors to be elected by stockholders; other officers to be appointed by directors, Bank. L., § 50, p. 1058; Stock Corp. L., §§ 20, 27, pp. 1009, 1012; Gen. Corp. L., § 11, sub. 4, p. 978; president must be a director; other officers need not be, Stock Corp. L., § 27, p. 1012; Bank. L., § 50, p. 1058; number of directors to be specified in certificate of incorporation, Bank. L., § 40, sub. 6, p. 1054; may be increased or diminished, Stock Corp. L., § 21, p. 1009; each director must be a citizen of U. S., and three-fourths of directors must be residents of this state, Bank. L., § 50, p. 1058; all directors must be stockholders, owning requisite amount of stock; term of office one year; to hold over till successors elected; vacancies to be filled by election, or by directors, Bank. L., § 50, p. 1058 (see 8. Corporate Meetings and Elections, ante); action to suspend or remove officer or director for misconduct; if all removed; vacancies to be filled by governor with advice and consent of senate, Civ. Code, §§ 1781-3.

10. OFFICERS (other than directors); duties. Are subject to control of directors; powers and duties, generally, such as prescribed by by-laws or by directors, Stock Corp. L., § 27, p. 1012; two principal officers must make affidavit to be filed before commencing business, Bank. L., § 13, p. 1035; pres't or vice-pres't and sec'y or treas. must sign certificates of stock, Stock Corp. L., § 40, p. 1017; pres't or vice-pres't, and cashier must sign all corporate contracts, bills and notes issued, Bank. L., § 54, p. 1059; pres't or authorized agent to annex affidavit to mortgage deposited with sup't, § 15, p. 1037; pres't or cashier must make annual examination of securities deposited with sup't, § 9, p. 1033; must verify report to sup't after declaration of dividend, § 25, sub. 6, p. 1044; pres't and cashier or treas. must verify quarterly report to sup't, § 20, p. 1039; pres't, cashier or treas. to verify statement of unclaimed deposits and dividends, § 28, p. 1045; officer in charge of stock book to exhibit same, in certain cases, Stock Corp. L., § 29, p. 1013; Pen. Code, § 611, sub. 4.

11. DIRECTORS and OFFICERS, generally; duties and liabilities. Banking business of corporation, exercised by directors, Bank. L., § 43, p. 1056; oath of office of directors, Bank. L., § 51, p. 1058; quorum of directors, Gen. Corp. L., § 29, p. 987; Bank. L., § 50, p. 1058; majority of quorum may act, unless otherwise provided by law or by by-laws, Gen. Corp. L., § 39, p. 992; directors may require of officers and employes security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012; must open books for subscriptions to stock, § 41, p. 1018; must prepare certificates of

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stock, § 40, p. 1017; may prescribe times of payment of capital stock and declare stock forfeited for non-payment; capital stock must all be paid in cash and affidavit thereof filed before commencing business, and within one year after incorporation, Stock Corp. L., § 43, p. 1019; Bank. L., §§ 12-13, 49, 57, pp. 1034-5, 1058, 1060; may refuse to transfer stock of stockholder indebted to corporation, Stock Corp. L., § 26, p. 1011; by two-thirds vote, may exchange preferred for common stock, § 47, p. 1021; with consent of stockholders, may extend corporate business, Stock Corp. L., § 32, p. 1015; directors of two or more corporations may submit to stockholders an agreement for consolidation, Bank. L., §§ 34-8, pp. 1050-3; preferences to officers and directors of insolvent corporation prohibited; individual liability therefor, Stock Corp. L., § 48, p. 1022; transfer of property of bank, over \$1,000, except notes, etc., by any officer or director without consent of board prohibited; individual liability therefor, Stock Corp. L., § 48, p. 1022; restrictions generally as to dealings of bank with its officers, Bank. L., § 25, pp. 1043-4; actions brought against corporation, with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986; actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3; when liable with corporation, may be joined as defts or sued separately, Civ. Code, §§ 1790-6; corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805; directors are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987; CIVIL LIABILITY of directors for making unauthorized dividends, incurring corporate indebtedness beyond lawful limit, loaning corporate funds to stockholders, Stock Corp. L., §§ 23-5, pp. 1010-11; Bank. L., §§ 25-6, pp. 1043-4; of directors or officers for making false report or statement, Stock Corp. L., § 31, p. 1014; for preferences to officer or director when corporation insolvent, § 48, p. 1022. CRIMINAL LIABILITY of directors and officers for fraudulent issue, or overissue of stock; issuing surrendered or canceled stock; fraudulent representation to public officer in relation to incorporation or increase of capital stock; issuing watered stock; making unauthorized dividends; loaning corporate funds to stockholder; unlawfully increasing capital stock; selling stock of which he is not owner; false entries or omissions in books; refusing to exhibit books, etc., when required by law; omitting to disclose to proper officers application for injunction against corporation; omitting to make any report when lawfully required; corrupt conduct at corporate elections; dealings by bank with its own officers pro-

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14. Superintendent to approve certificate of incorporation before it can be filed, Bank. L., § 30, p. 1048; deposit to be made with superintendent, and his certificate obtained before commencing business, Bank. L., §§ 12-13, 57, pp. 1034-5, 1060; securities deposited may be withdrawn and others substituted, § 15, p. 1036; to be examined and receipted for annually, § 9, p. 1033; bank subject to inspection and supervision of superintendent; must be examined by superintendent or examiner at least annually, and may be examined oftener; sworn testimony may be required on such examination, §§ 8, 11, 17-18, pp. 1032, 1034, 1037-8; Civ. Code, §§ 843, 854-9; publication of report of examination, Bank. L., § 16, p. 1037; court may order examination on application of creditors or shareholders, § 19, p. 1038; impairment of capital stock to be made good, §§ 17, 27, pp. 1037, 1045; reports to be made to superintendent at least quarterly; penalty for failure to report; publication of reports, §§ 20-2, pp. 1039-41; report also must be made within 10 days after declaring dividend, § 25, sub. 6, p. 1044; must report and publish statement of unclaimed dividends and deposits, § 28, pp. 1045-7; superintendent's consent requisite to amendment of certificate of incorporation, Bank. L., § 41, p. 1055; to increase or reduction of capital stock, Stock Corp. L., § 46, p. 1021; to change of business location, Bank L., § 29, p. 1047; if superintendent discover bank to be unsound, superintendent to report to attorney-general, who must commence action; superintendent to take and

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2. Incorporation of unincorporated association, how authorized; transfer of property thereof to the corporation, Mem. Corp. L., § 5, p. 1434; reorganization under Mem. Corp. L. of corporation created by special law; consolidation of two or more corporations, §§ 6-7, p. 1435.

3. **CHARTER MAY BE CHANGED**, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40 p. 992; without legislation, certificate of incorporation may be amended, § 7, p. 977; corporate existence therein specified may be extended, § 32, p. 988; number of directors and time of annual meeting may be changed, Mem. Corp. L., §§ 14-15, pp. 1440-1; name may be changed, Civ. Code, §§ 2411-17; trustees of property may be designated, Mem. Corp. L., § 10, p. 1437.

4. **CERTIFICATE, PRESUMPTIVE EVIDENCE OF INCORPORATION** and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, § 933; if certificate filed or recorded be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

5. Must organize and commence operations within 2 years after incorporation, Gen. Corp. L., § 31, p. 988.

6. **CORPORATE POWERS**, are only such as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; may adopt and alter corporate seal, Gen. Corp. L., § 11, p. 978; if

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none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; may make by-laws, Gen. Corp. L., § 11, p. 978 (see 7, post); may take property by grant or will, Gen. Corp. L., §§ 11-14, pp. 978-80; L. 1887, ch. 317, § 7, p. 2702; conveyance, mortgage or lease of real property regulated, Mem. Corp. L., § 13, p. 1439; Civ. Code, §§ 3390-6; improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3.

7. BY-LAWS by whom made; provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 29, 30, 39, pp. 978, 987, 983, 992; Mem. Corp. L., §§ 8-9, 13, pp. 1436-7, 1439; may provide who shall be proxies for members and duration of proxies, Gen. Corp. L., § 21, p. 984.

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10. CORPORATE MEETINGS and ELECTIONS, when held, number, qualifications and classification of directors; voters; conduct of elections; review thereof by court, Mem. Corp. L., §§ 8-10, 14-15, pp. 1436-8, 1440; Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6.

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BARRELS.

1. Counterfeiting marks on, generally, a misdemeanor, R. S., p. 1722, § 194; marking false tare on, generally, a misdemeanor, Pen. Code, § 585.

2. Standard capacity of the barrel generally, L. 1851, ch. 134, § 9, p. 2117; for apples, potatoes, etc.; penalty for undersize, L. 1862, ch. 178, p. 2183; action before justice of peace for violation, L. 1875, ch. 573, § 2, p. 2183; for beef or pork, capacity, materials, R. S., p. 1720, §§ 36-40; for flour and meal, penalty for undermarking, counterfeiting, R. S., p. 1719, §§ 17, 18, 21.

3. Brands for malt liquor; filling; unlawful use of, etc., L. 1864, ch. 276, p. 2213.

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BASTARD.

A. General provisions

1. Definition of bastard, Crim. Code, § 838; parents liable for support, § 839; may be adopted with consent of mother, L. 1873, ch. 830, § 5, p. 2349; on her application may be committed to orphan asylums, L. 1884, ch. 438, § 1, p. 2618.

2. Inheritance by and from bastards; bastards do not take by descent, R. S., p. 1827, § 19; may inherit from mother, L. 1855, ch. 547, p. 2155; mother or her relatives may inherit from bastard, R. S., p. 1826, § 14; distribution of personal property of intestate bastard, Civ. Code, § 2732, sub. 9.

3. Concealing still-birth of bastard, first offense, a misdemeanor, Pen. Code, § 296; second offense, a felony, § 693.

B. Special proceedings of a criminal nature to compel support

4. Proceedings against putative father; poor officers to make application to magis-

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trate, *Crim. Code*, § 840; preliminary examination; warrant, §§ 841-2, 856; procedure, if arrest be made in another county, §§ 843-6, 854-5; *R. S.*, p. 1760, § 69; two magistrates to hold examination; commitment or undertaking pending adjournment, *Crim. Code*, §§ 848-9; hearing; determinations and orders thereon, §§ 850-3; fees of justices in bastardy cases, *L. 1806*, ch. 692, § 4, p. 2240; public may be excluded from trial, *Civ. Code*, § 5; jurisdiction of district courts in *N. Y. city*, *Civ. Code*, § 3215.

5. Proceedings against mother possessing property, *Crim. Code*, §§ 857-8, 870-2.

6. Appeals to county court; when permitted; how taken, *Crim. Code*, §§ 861-3, 39; proceedings on appeal generally, §§ 864-76.

7. Without appeal, co. ct. to inquire into circumstances of parent committed in default of undertaking to support bastard, *Crim. Code*, § 877; may discharge parent, if satisfied of inability of such parent to support child, etc.; to order discharge upon notice, §§ 878-80.

8. Enforcement of undertakings and orders; undertaking for appearance at co. ct., by whom prosecuted, to whom paid, *Crim. Code*, § 881; undertaking to obey order for support, prosecuted in name of poor officers or of corporation of city of *N. Y.*; measure of damages, §§ 882-3; for subsequent breach of undertaking, new action may be brought, § 884; costs against plaintiff, how recovered, § 885; when action maintainable on order for support, notwithstanding undertaking, § 886.

9. COMPROMISE with putative father in *N. Y. city*, *R. S.*, p. 1759, § 68; elsewhere, *L. 1832*, ch. 26, p. 1759.

C. Settlement and support of mother and bastard child as paupers.

10. Mother not to be removed from town or county without her consent, *R. S.*, p. 1756, § 54; removal of mother into another county prohibited, *R. S.*, p. 1755, § 3; penalty for removing, *R. S.*, p. 1746, § 58; proceedings to compel mother and bastard to be supported by town or co. from which removed, *R. S.*, p. 1755, § 4; pauper bastard to be supported by town, city or county in which it is born, *Crim. Code*, § 839; pauper mother and bastard supported by town where mother has settlement, mode of support, *R. S.*, p. 1736, § 28ff, 1757, § 61; proceedings to determine settlement, *R. S.*, p. 1757, § 62; overseers to support mother during confinement, *R. S.*, p. 1756, § 58; if overseers of town where mother has legal settlement omit to support her during confinement, the expense may be assessed against such town, *R. S.*, 1758, §§ 63-4; proceedings if distinction between town and co. poor abolished, *L. 1828* (2 sess.), ch. 6, p. 1755; overseers of poor to notify co. of cases of bastardy, *R. S.*, p. 1756, § 55; when mother

and bastard to be removed to co. poor-house, how supported there, *R. S.*, p. 1758, § 66; mother and bastard to be supported by overseer until sup'ts provide for support, *R. S.*, p. 1756, §§ 56-7; penalty for neglect of poor officers to support, *R. S.*, p. 1759, § 67; order of justice to fix sum to be expended for bastards supported by town, *R. S.*, p. 1758, § 65; money received from parents of bastards, how to be applied, *R. S.*, p. 1757, § 59; if received on account of bastard chargeable to county, *R. S.*, p. 1757, § 60.

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BATHING.

1. Life lines to be provided by proprietor or lessee of bathing place, *Pub. H. L.*, § 202, p. 864; punishment for wilful violation, *Pen. Code*, §§ 396-7; neglect to provide surf boats, etc., a misdemeanor, *Pen. Code*, § 427; all persons to be accorded equal privileges in bath-houses, *L. 1895*, ch. 1042, p. 3123.

2. Cities of first and second class to establish free public baths, *L. 1892*, ch. 473, p. 2868.

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1. Keeping bawdy house, a misdemeanor, *Pen. Code*, § 322; keeper, a disorderly person, *Crim. Code*, § 890.

2. Procedure for removal of tenant, occupant of bawdy house, *Civ. Code*, §§ 2237-42.

BEEF.

Material, size, etc., of barrels in which packed, *R. S.*, p. 1720, §§ 36-40; inspection of beef, abolished, *L. 1843*, ch. 202, § 1, p. 2070; *Const. a. 5*, § 8, p. 60.

BEER.

See Excise; Adulteration; Barrels; Brands.

BEEES.

Colony affected with foul brood to be destroyed; appointment of agents by Com'r of Agriculture to eradicate same, *Ag. L.*, §§ 80-1, pp. 959-60; violations of such regulations, a misdemeanor, *Pen. Code*, § 408a; special sessions has jurisdiction, *Crim. Code*, § 56; special rules of evidence applicable, *Ag. L.*, § 7, p. 943.

BENCH WARRANT.

1. By whom and how issued; form; how served, *Crim. Code*, §§ 300-2, 304, 578-9; may issue if def't on bail do not appear for arraignment, *Crim. Code*, § 299; indorsement if offense be bailable, § 303; proceedings if def't brought before magistrate of another county to give bail, §§ 305, 580; if def't on bail, may issue for his committal when indictment presented, §§ 306-7, 554, sub. 3; may issue if def't at large and do not appear for judgment, *Crim. Code*, §§ 475-6; form and service of, §§ 477-9; may issue for

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arrest of def't upon judgment of affirmance on appeal, Crim. Code, § 546.

2. May be issued by Albany court of special sessions, Crim. Code, § 68.

3. If def't cannot be found on bench warrant for treason, judgment of outlawry to be rendered against him, Crim. Code, § 814ff.

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BETTING AND GAMING.

1. Common gamblers, punishable for felony, Pen. Code, § 344; are disorderly persons, Crim. Code, § 899.

2. Fraudulent winner, guilty of misdemeanor, Pen. Code, § 339; triable by special sessions, Crim. Code, § 56, sub. 28.

3. Gambling, generally, not to be authorized or allowed, Const. a. 1, § 9, p. 34; keeping gaming establishment, generally, a misdemeanor, Pen. Code, § 343; prohibited in taverns and vessels, penalty, R. S., p. 1762, §§ 6, 7; Pen. Code, § 336, sub. 4, § 350; implements for gambling to be seized and destroyed, etc., Pen. Code, §§ 345-7; R. S., p. 1762, § 5; keeping gambling apparatus in certain enumerated places, a misdemeanor; such apparatus to be deemed a public nuisance, and be destroyed, Pen. Code, §§ 336-8; R. S., p. 1762, § 5.

4. Horse-racing, when forbidden, penalty, R. S., pp. 1768-9; Pen. Code, §§ 265, 275, 352; racing within mile of place where court held punishable as misdemeanor by special sessions, Crim. Code, § 56, sub. 3; jurisdiction of special sessions for unlawful running of animals, generally, § 56, sub. 11; racing for stakes payable to owner of competing horses, permitted; betting on such races forbidden, L. 1895, ch. 570, §§ 3, 16-18, pp. 3064, 3069-70.

5. Pool-selling, book-making, etc., a felony, Pen. Code, § 351; not to be authorized or allowed, Const. a. 1, § 9, p. 34.

6. Lotteries, unlawful and prohibited, generally, Pen. Code, §§ 323-35, 344; Const. a. 1, § 9, p. 34; R. S., pp. 1765-7.

7. Losers of \$25 and upward, may recover same; when overseer of poor may collect, R. S., p. 1764, §§ 14-15; Pen. Code, § 341; if lost within 24 hours special sessions may punish for misdemeanor, Crim. Code, § 56, sub. 29.

8. Officers to prosecute persons violating provisions against gaming, penalty, Pen. Code, § 349; poor officers may recover penalty from persons exacting payment of money won by gambling, § 340; R. S., p. 1764, § 15.

9. Persuading another to visit gambling place, how punishable, Pen. Code, § 348.

10. Security for money lost at gaming void; if upon real estate to be for benefit of heir, R. S., p. 1764, §§ 16, 17.

11. Special sessions to have general jurisdiction to determine charges of misdemeanors for gaming, lotteries, etc., Crim. Code, § 56.

12. Sunday gaming or horse-racing prohibited, Pen. Code, §§ 265, 275.

13. Wagers shall be unlawful and property staked may be recovered, R. S., p. 1763, §§ 8-10; upon result of election, ground for disqualification from voting, Const. a. 2, § 2, p. 37.

14. Witnesses may be discharged from penalties, R. S., p. 1765, § 21; Pen. Code, § 342.

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1. Conditional sale of, L. 1884, ch. 315, § 7, p. 2611.

2. Entitled to free use of highways, subject to regulations as to speed, bells, etc., included in term carriages, High. L., §§ 162-3, p. 717.

3. Employment of child for exhibition of riding, a misdemeanor, Pen. Code, § 292.

BIGAMY.

Defined; punishment; punishment of consort, Pen. Code, §§ 298-301; marriage after five years absence, when valid, Pen. Code, § 299, sub. 1; R. S., p. 1891, § 6; when issue of bigamous marriage may be adjudged legitimate, Civ. Code, §§ 174-5.

BILL OF LADING.

1. Cancellation of, required on delivery of property, Pen. Code, §§ 633-4.

2. Destruction of, to conceal ownership of wrecked property, a misdemeanor, Pen. Code, §§ 372, 437.

3. Duplicate bills of lading to be marked, Pen. Code, § 631.

4. Issuing fictitious bill of lading, a misdemeanor, Pen. Code, § 629; innocent error excepted, § 630; issuing false bill with intent to defraud, § 577.

5. Loan on, rate of interest may be fixed by agreement, Bank. L., § 56, p. 1060; L. 1882, ch. 237, p. 2540.

6. Master of canal boat to provide and exhibit to canal officers, Canal L., § 164, p. 457; delivery of false bill, a felony, Pen. Code, § 476.

7. Sale of property without consent of holder of bill of lading, Pen. Code, § 632.

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BILL OF PARTICULARS.

1. Procedure respecting in courts of record, Civ. Code, § 531; in justices' court, Civ. Code, § 2942.

2. To be filed with co. clerk by lienor of ship, L. 1862, ch. 482, § 2, p. 2196.

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BILLS, NOTES AND CHECKS.

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2. **PROTEST** of check not required, Bank. L., § 85, p. 1077; notice of nonacceptance or nonpayment, how given, L. 1835, ch. 141, § 1; L. 1857, ch. 416, § 3; L. 1865, ch. 309, § 1, p. 1852; when notice of, may be by mail, L. 1857, ch. 416, p. 1852; if payable outside state of N. Y., presentment, demand, protest and notice may be according to law of such place, L. 1865, ch. 309, § 1, p. 1852; like provision as to proof of such acts, Civ. Code, § 925; during pestilence in N. Y. city, Consol. Act, §§ 2026-31; notary's certificate of protest, etc., or in case of his death or insanity a proper memorandum, presumptive evidence, Civ. Code, §§ 923-4; notary's fees therefor, Exec. L., § 85, p. 385; effect of holidays, L. 1875, ch. 27, pp. 2381-3.

3. **ACTION** for amount by payees and holders, R. S., p. 1851, § 4; against corporation upon note, etc., Civ. Code, § 1778; if paper lost, undertaking of indemnity to be given adverse party, except where People are a party, Civ. Code, §§ 1917-8; joinder as defts of persons severally liable on same instrument, Civ. Code, § 454ff.

4. **DAMAGES** recoverable only by purchaser for value, R. S., p. 1854, § 23; on nonpayment, to be in lieu of interest, etc., p. 1853, §§ 18, 19; rate of exchange, when regarded, pp. 1853-4, §§ 20-1; on nonacceptance, p. 1854, § 22.

5. **ATTACHMENT** levied on bills, etc., deemed attachment of debt represented; paper to be taken into sheriff's actual custody, Civ. Code, §§ 648-9, sub. 2.

6. Acknowledgment of, does not make admissible in evidence, as deed, Civ. Code, § 937; copy, etc., of instrument may be set forth in pleading, § 534.

7. Grace abolished, generally, L. 1894, ch. 607, p. 2981; as to sight drafts and paper drawn on bank, L. 1857, ch. 416, p. 2158.

8. Holidays to be observed in acceptance and payment of notes and drafts, L. 1875, ch. 27 and note, pp. 2381-3; Stat. Const. L., § 24, p. 115.

9. In surrogate's proceedings, place of instrument decides jurisdiction, Civ. Code, § 2478; executor's inventory to contain statement of notes, etc., held by decedent, Civ. Code, § 2714.

10. If given for patent right to be so marked on face, violation a misdemeanor, L. 1877, ch. 65, p. 2425; like provisions if for a speculative consideration for farm products, L. 1891, ch. 262, pp. 2830-1.

11. Issued by banks, see Banks (domestic

corporation), 14, 17, and Individual Banker, 2, 5.

12. Passing worthless check or note a felony, Pen. Code, §§ 568-9; obtaining money by issue of fraudulent check is larceny, § 529; unissued negotiable instruments may be subjects of larceny, § 536; forgery of, § 511; purchase of notes, etc., by att'y for purpose of bringing action is a misdemeanor, and cause for removal, Civ. Code, §§ 73-5.

13. Legal effect of notes payable to bearer, order, order of fictitious person, or if signed by agent, R. S., pp. 1850-1, §§ 1, 2, 5.

14. Usurious interest in bills, etc., render same void, R. S., p. 1855, § 5; L. 1837, ch. 430, § 5, p. 1856; any rate may be fixed by contract on loans on bills, etc., as collateral, L. 1882, ch. 237, p. 2540; Bank. L., § 56, p. 1060; rate of brokerage fixed for making and renewing commercial paper, excess may be recovered, R. S., p. 1780.

15. **TAX** not to be assessed on notes, etc., sent to this state for collection, R. S., p. 1704, § 3; term "personal estate" in tax law includes negotiable paper, R. S., p. 1676, § 3; Stat. Const. L., § 4, p. 110; residence of owner of note, etc., establishes place where debt is assessed, L. 1883, ch. 392, p. 2599.

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1. Discharge of sewage into Susquehanna, forbidden, Pub. H. L., § 74, p. 817; a misdemeanor, Pen. Code, §§ 396-7.

2. Hospital established at, L. 1879, ch. 280, p. 2454ff.

3. Law library at, L. 1859, ch. 230 and note, pp. 2167-9.

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Authority to collect birds, nests or eggs for scientific purposes, Fish., F. & G. L., §§ 83-5, pp. 885-6; killing or trapping in park or cemetery, a misdemeanor, Pen. Code, § 640, sub. 10; promoting or keeping place for fights between, Pen. Code, §§ 664-5.

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2. Registration of, under general supervision of state board of health, Pub. H. L., § 5, p. 790; by local boards, § 22, p. 797; in N. Y. city, Consol. Act, §§ 602-7; certificate of registration by health boards, presumptive evidence, Pub. H. L., §§ 5, 22, pp. 790, 797; also competent evidence as to age, Pen. Code, § 19.

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2. Institutions for blind are Institution for the Blind in New York city, and New York State School for the Blind, L. 1867, ch. 744, pp. 2245-51; L. 1895, ch. 563, p. 3063; legislature may make appropriations for, Const. a. 8, § 14, p. 78; visitation of, by sup't pub. inst.; state pupils in; eligibility; appointment; support; tuition; Consol. Sch. L., § 15, §§ 40-3, pp. 1608-10; L. 1867, ch. 744, pp. 2245-51.

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2. Prohibited from using oleomargarine, Ag. L., §§ 28, 37, pp. 951, 953; Pen. Code, § 408a.

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2. Official boards, generally; may administer oaths; issue subpoenas; attendance, how compelled, Civ. Code, §§ 843, 854-9, 2009; notice to board, how served; powers of majority; if composed of one person, Stat. Const. L., §§ 18-20, p. 114; conversion of public funds held by board, action for, Civ. Code, §§ 1969-76; order of arrest therein, § 549, sub. 3; attachment therein, § 637; actions entitled to preference, § 789.

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5. Unlawful purchase of, by attorneys, Civ. Code, §§ 73, 75; Pen. Code, §§ 136, 139; by justice of peace, Civ. Code, §§ 3137-8; Pen. Code, § 137.

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7. ACTION upon, may be placed on preferred calendar, app. div. (1st dep't), Rule 6; jurisdiction of justices of peace, Civ. Code, § 2862.

8. Corporations for guaranty of, Ins. L., §§ 70, 170ff, pp. 1160, 1202ff; may be surety, L. 1893, ch. 720, p. 2953.

9. Of banks receiving public funds, L. 1888, ch. 326, §§ 2-3, p. 2734; Co. L., § 144, p. 636; R. S., p. 1951, § 45; p. 1976, § 115; L. 1870, ch. 291, t. 3, p. 2284.

10. Of applicant for liquor license, Exc. L., § 20, p. 1632; for ferry license, High. L., § 171, p. 718.

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13. Of claimant of wrecked property to be delivered to court, Town L., § 141, p. 763.

14. Of collector of birds, etc., Fish., F. & G. L., § 84, p. 885.

15. Of corporation doing pawnbroking business, L. 1895, ch. 326, p. 3032.

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4. Action upon, by private person, how brought, Civ. Code, §§ 1880-92; in taxpayers' action, bondsmen may be joined; plaintiff to furnish bond to def't, L. 1881, ch. 531, p. 2539.

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6. Of town officers, Town L., § 66, p. 749.

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8. Of officer issuing town or county bonds, o. L., § 14, p. 600.

9. May be required by directors from officers, Stock Corp. L., § 27, p. 1012.

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2. Counterfeiting or fraudulently defacing brands on BARRELS containing flour, pork, distilled spirits, etc., a misdemeanor, R. S., p. 1722, § 194; p. 1719, § 21; brands on malt liquor casks, L. 1864, ch. 276, pp. 2213-15; on cider vinegar casks, Ag. L., §§ 52-3, pp. 954-5; on pork barrels, R. S., p. 1721, § 42.

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9. CORPORATE MEETINGS and ELECTIONS; directors to be elected by stockholders; other officers to be appointed by directors, Gen. Corp. L., § 11, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012; times, places and notices thereof; manner of calling meetings; quorum of stockholders; manner of appointing inspectors, to be regulated by by-laws, Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6; Stock Corp. L., § 28, p. 1012; directors chosen by plurality vote; at least one-fourth of directors must be elected annually, Stock Corp. L., § 20, p. 1009; qualifications of voters, proxies, challenges, appointment of inspectors; special meetings, and election procedure generally; review of election by court, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012; voting or giving proxy vote without title, possession and control of stock, selling vote or proxy; violation by inspector of his oath, punishable, Pen. Code, § 613.

10. OFFICERS, including DIRECTORS; FILLING AND VACATING THE OFFICES. Directors to be elected by stockholders; other officers to be appointed by directors; president must be a director; other officers need not be; compensation, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012; number of directors to be specified in certificate of incorporation, Bus. Corp. L., § 2, sub. 7, p. 1385; may be increased or diminished, Stock Corp. L., § 21, p. 1009; at least two directors must be residents of this state, Gen. Corp. L., § 29, p. 987; all directors must be stockholders or officers of another corporation which own stock, Stock Corp. L., §§ 20, 40, pp. 1009, 1017; at least one-fourth of directors must be elected annually; by-laws must prescribe manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009 (see 9, ante); directors to hold over until successors elected and qualified, Gen. Corp. L., § 23, p. 985; Stock Corp. L., § 22, p. 1010; action to suspend or remove officer or director for misconduct; if all removed, vacancies to be filled by

governor with advice and consent of senate, Civ. Code, §§ 1781-3.

11. OFFICERS, including DIRECTORS; duties and liabilities; powers and duties, generally, may be prescribed by by-laws, Stock Corp. L., § 27, p. 1012; president or vice-president and sec'y and treasurer must sign certificates of stock, § 40, p. 1017; verify affidavit of payment of stock, Bus. Corp. L., § 5, p. 1387; and annual report, Stock Corp. L., § 30, p. 1014; treasurer must make statement of assets and liabilities when properly requested, § 52, p. 1024; officer in charge of stock-book to exhibit same, etc., § 29, p. 1013; majority of directors constitute quorum, Gen. Corp. L., § 29, p. 987; and majority of quorum may act, unless otherwise provided by law or by by-laws, § 39, p. 992; directors may make by-laws if stockholders do not, § 29, p. 987; may amend certificate of incorporation, § 7, p. 977; may designate officers to execute corporate contracts, § 39, p. 992; may require of officers and employees security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012; must open books for subscriptions to stock, § 41, p. 1018; must prepare certificates of stock, § 40, p. 1017; may prescribe times of payment of capital stock, and declare stock forfeited for nonpayment, § 43, p. 1019; may refuse to transfer stock of stockholder indebted to corporation, § 26, p. 1011; by two-thirds vote, may exchange preferred for common stock, § 47, p. 1021; with consent of stockholders, may authorize conversion of bonds into stock, § 2, p. 1004; extend corporate business, § 32, p. 1015; sell all corporate property and franchises, § 33, p. 1015; directors are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987; directors of two or more corporations may submit to stockholders an agreement for consolidation, Bus. Corp. L., §§ 8-9, pp. 1388-9; preference to officers and directors of insolvent corporation prohibited, Stock Corp. L., § 48, p. 1022; actions brought against corporation, with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986; actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3; when liable with corporation, may be joined as defendants or sued separately, Civ. Code, §§ 1790-6; corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805; CIVIL LIABILITY of directors for making unauthorized dividends, incurring corporate indebtedness beyond lawful limit, loaning corporate funds to stockholders, Stock Corp. L., §§ 23-5, pp. 1010-11; failure to make annual report, § 30, p. 1013; of directors or officers for making false report or statement, § 31, p. 1014; for preferences to officer or director when corporation insolvent, § 48, p. 1022; CRIMINAL LIABILITY of directors and

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officers for fraudulent issue, or overissue of stock; issuing surrendered or canceled stock; fraudulent representation to public officer in relation to incorporation or increase of capital stock; issuing watered stock; making unauthorized dividends; loaning corporate funds to stockholders; unlawfully increasing capital stock; selling stock of which he is not owner; false entries or omissions in books; refusing to exhibit books, etc., when required by law; omitting to disclose to proper officers, application for injunction against corporation; omitting to make any report when lawfully required; corrupt conduct at corporate elections, Pen. Code, §§ 591-2, 594, 610-11, 613; presumption of knowledge of and consent to action of board by each director, Pen. Code, § 614.

12. STOCK; amount and number of shares to be specified in certificate of incorporation; specified in certificate for commencing business to be paid before incurring indebtedness, Bus. Corp. L., §§ 2-3, pp. 1384-6; one-half total capital stock to be paid within one year, § 5, p. 1387; until total stock paid, stockholders are individually liable for corporate debts, Stock Corp. L., § 54, p. 1025; books to be opened for receiving subscriptions, 10 per cent. of subscriptions to be paid in cash at time of subscribing; balance of subscription may be paid in cash or property of not less than par value, Stock Corp. L., §§ 41-2, pp. 1018-9; when subscriptions payable; forfeiture for nonpayment and reissue, § 43, p. 1019; stock certificates, how prepared and executed, § 40, p. 1017; court may order issue of new in place of lost certificates, §§ 50-1, pp. 1023-4; stock-book to be kept and exhibited as required, presumptive evidence of recitals therein, § 29, p. 1013; Pen. Code, § 611, sub. 4; fraudulent issue of stock, overissue or issue contrary to law, Pen. Code, § 591; increase and reduction of capital stock, Stock Corp. L., §§ 44-6, pp. 1020-21; preferred and common stock, § 47, p. 1021; increase or reduction of number of shares, § 56, p. 1026; stock TRANSFERABLE as prescribed by by-laws, Stock Corp. L., § 40, p. 1017; transfers to be entered in stock-book, to be valid except as to certain purposes, § 29, p. 1013; when consent to transfer by stockholder indebted to corporation may be refused, § 26, p. 1011; transfers of stock in contemplation of insolvency of corporation prohibited, § 48, p. 1022.

13. STOCKHOLDERS; are members of corporation, Gen. Corp. L., § 3, sub. 8, p. 975; for what purposes purchaser of stock whose transfer is not entered in stock-book is deemed a stockholder, Stock Corp. L., § 29, p. 1013; Gen. Corp. L., § 20, p. 983; by-laws made by, control directors, Gen. Corp. L., § 11, p. 978 (see 9.). Corporate meetings and elections, ante; stockholder objecting to consolidation may have his stock ap-

praised, etc., Bus. Corp. L., § 9, p. 1389; may pay proportion of mortgage debt and be subrogated thereto, Stock Corp. L., § 49, p. 1023; insolvent corporation prohibited from preferring stockholders, § 48, p. 1022; liability of stockholder for corporate debts, §§ 54-5, pp. 1025-6; consent of majority of stockholders requisite to increase or reduction of capital stock, § 46, p. 1021; to change no. of directors, § 21, p. 1009; consent of two-thirds requisite to changing no. of shares of stock, § 56, p. 1026; unanimous consent requisite to issue of preferred stock, § 47, p. 1021; to guaranteeing the bonds of another corporation, § 40, p. 1018.

14. ANNUAL REPORT; contents; how and by whom executed; when and where to be filed; individual liability of directors for corporate debts as a penalty for failure to file; penalty for false report, Stock Corp. L., §§ 30-1, pp. 1013-5; Pen. Code, § 611.

15. REORGANIZATION on foreclosure or judicial sale, Stock Corp. L., §§ 3-6, pp. 1005-8.

16. CONSOLIDATION of two or more business corporations, Bus. Corp. L., §§ 8-10, pp. 1388-90; sale of all corporate property and franchises to another corporation, Stock Corp. L., § 33, p. 1015.

17. Full liability companies, Bus. Corp. L., § 6, p. 1387.

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Is ch. 41, Gen. Laws, pp. 1384-93.

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See Dairy Products.

BY-LAWS.

Of city or village; local board of health; board of supervisors, how proved, Civ. Code, § 941; of corporations, see Corporations.

CADAVERS.

For dissecting purposes, delivery of, to medical colleges, etc., Pub. H. L., § 207, p. 867.

CALENDAR.

1. COURT OF APPEALS calendar, how made up generally, Ct. App. Rule 19; criminal cases may be put on, at any time, Rule 9; preferred cases, Rule 14; call of calendar, reservation of cases, etc., Rule 14.

2. APP. DIV. SUP. CT. calendar, how made up, Sup. Ct. Rule 39.

3. TRIAL AND SPECIAL TERM calendars in courts of record, how made up, generally, Civ. Code, § 978; call of calendar, cases, how disposed of, etc., Sup. Ct. Rule 36; court may order calendar printed at county expense, Civ. Code, §§ 19-20.

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4. Calendar of PRISONERS confined in county jail, to be presented at every term of a court of record for the trial of criminal causes, Co. L., § 97, p. 625; likewise of dis-

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orderly persons confined in any prison, Crim. Code, § 908.

5. **CALENDAR, DAY, MONTH, YEAR**, defined, Stat. Const. L., § 27, p. 118.

CAMP-GROUNDS.

For military purposes, see Militia; for religious camp meetings, see **CAMP MEETING CORPORATIONS**.

CAMP GROUND ASSOCIATION.

Owning land for camp-meeting purposes, only, bordering on navigable waters, may regulate or prohibit landings, Rel. Corp. L., § 17, p. 1405.

CAMP-MEETING CORPORATION.

1. **INCORPORATION**; number and qualifications of incorporators; contents of certificate of incorporation; name not to resemble that of existing corporation; number, qualifications, and classification of trustees named in certificate; certificate may contain any provision which does not exempt directors from obligations imposed by law; certificate, how executed; fees must be paid before filing; am't of fees of sec'y of state, \$10, and 15 cents per folio; of co. clerk, six cents and 10 cents per folio, Rel. Corp. L., §§ 3, 17, pp. 1395, 1404; Gen. Corp. L., § 3, sub. 6; §§ 4-6, 10, 29, pp. 975-6, 978, 987.

2. **CHARTER MAY BE CHANGED** by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation charter may be amended, Gen. Corp. L., § 7, p. 977; corporate existence may be extended, § 32, p. 988; name may be changed, Civ. Code, §§ 2411-18.

3. **CORPORATE POWERS**; only such as given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; perpetual succession for what period, § 11, sub. 1; § 32, pp. 978, 988; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; may adopt corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978; if none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; property rights, Gen. Corp. L., §§ 11-14, 19, pp. 978-80, 982; Rel. Corp. L., §§ 17, 4-11, 13, pp. 1404, 1396-1402; real property not to be sold or mortgaged without leave of court, Rel. Corp. L., § 11, p. 1400; procedure therefor, Civ. Code, §§ 3390-6; corporate contracts to be executed by such officers as trustees may designate, Gen. Corp. L., § 39, p. 992.

4. **BY-LAWS** adopted by members control trustees; provisions of, generally, Gen. Corp. L., § 11, sub. 5; §§ 29, 39, 40-1, pp. 978, 987, 992, 983-4; Rel. Corp. L., § 5, p. 1396.

5. **CORPORATE MEETINGS AND ELECTIONS**; when held; number, qualifications and classification of directors; voters; conduct of elections; review thereof by court, Rel. Corp. L., § 17, p. 1404; Gen.

Corp. L., §§ 11, 20-7, pp. 978, 983-6; Pen. Code, § 612.

6. **TRUSTEES**; trustees are directors and **VICE VERSA**, Gen. Corp. L., § 3, sub. 6, p. 975; number, qualifications and classification of first directors, Rel. Corp. L., § 17, p. 1404; Gen. Corp. L., § 29, p. 987; duties and powers of, generally, Rel. Corp. L., § 5, p. 1396; may designate officers to execute corporate contracts, Gen. Corp. L., § 39, p. 992; have the powers of peace officers with relation to disturbance of camp meetings, § 17, p. 1405; are trustees on dissolution of others not appointed by court, Gen. Corp. L., § 30, p. 987; majority of, are quorum and majority of quorum may, unless by-laws otherwise provide, Gen. Corp. L., §§ 29, 39, pp. 987, 992.

(As to actions and special proceedings, civil and criminal, by and against corporations, dissolutions, receiverships, etc., see **Corporations**; **Taxation**, etc.)

7. **CAMP MEETINGS**, deemed religious meetings, and trustees have powers of peace officers with reference to disturbance thereof; if grounds border on navigable waters, corporation may regulate or prohibit landing of vessels, Rel. Corp. L., § 17, p. 1405.

8. **EXEMPTIONS FROM TAXATION**; all personal property, real property used exclusively for religious purposes; exempt from transfer tax law, L. 1889, ch. 191, p. 2747; L. 1893, ch. 498, p. 1678; R. S., p. 1677, sub. 7.

CANADA.

1. **Acknowledgments and affidavits** taken in, how executed and certified to entitle to be recorded or read in evidence in this state.

See **Acknowledgment**; **Affidavit**.

2. **Incorporation in**, how proven in this state, L. 1877, ch. 311, p. 2427.

CANADA THISTLES.

To be cut twice in each year, on state canal lands, Canal L., § 35, p. 430; on highways, High. L., § 70, p. 692; on R. R. lands, R. R. L., § 52, p. 1282.

See **Weeds**.

CANAL APPRAISERS.

Office of, abolished, and former duties of, devolved on board of claims, L. 1883, ch. 205, § 12, p. 2567.

CANAL AUDITOR.

Office abolished, and duties devolved on comptroller, L. 1883, ch. 69, p. 2557.

CANAL BOARD.

1. Composed of **Lieut.-gov.**, sec'y of state, comptroller, treas., atty.-gen., state engineer and sup't pub. works, Const. a. 5, § 5, p. 60; Canal L., § 23, sub. 1, p. 423; general powers and duties of; meetings; investigations; expenses, Canal L., §§ 10-15,

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pp. 418-21; Civ. Code, §§ 843, 854; Const. a. 5, § 6, p. 60; may determine as to abandonment of canals, except as prohibited by Const., Canal L., § 10, subs. 3-4, p. 418; Pub. Lands L., § 50, p. 403; Const. a. 7, § 8, p. 72; may cancel contract for work and materials on any canal, if oppressive to contractor, Const. a. 7, § 9, p. 73; must insert contractor's indemnity clause in such contracts, Canal L., § 133, p. 452; must make estimate of benefits for use of surplus water from canal, Canal L., § 91, p. 441; may direct repairs and improvements to be made; edifices and weighing scales to be erected, Canal L., §§ 70, 23, sub. 11, pp. 437, 424; must approve amount agreed upon as damages for taking earth, gravel and material from adjacent lands for repairing, before payment therefor, §§ 71-2, p. 438; canal board may allow claims by canal officers for judgments against them, § 36, pp. 430-1.

CANAL BOATS.

1. Term float defined to include boats, vessels, rafts, etc.; master defined to include every person having charge or control, Canal L., § 160, p. 456; all boats navigating the canals, to be registered with sup't pub. works; every change of master to be registered; name of registered boat not to be changed without consent of sup't; no clearance, or permission to pass on canal without evidence of registry and bill of lading; clearance regulations, Canal L., §§ 162-8, pp. 456-9; delivery of false bill of lading is a felony, Pen. Code, § 476; priority of right to pass through lock, to be determined by lock-keeper, Canal L., § 170, p. 460.

2. CHATTEL MORTGAGES on canal boats, and other canal craft, or copies thereof, to be filed with comptroller; duration of lien; preferences, certified copies as evidence, fees for filing, etc., L. 1864, ch. 412, pp. 2216-17; L. 1883, ch. 69, p. 2557; Civ. Code, §§ 933, 957-9.

3. LIENS on vessels generally, for construction, repairs, supplies, etc.; enforcement thereof, L. 1862, ch. 482, pp. 2196-2205.

4. Penalties chargeable on boat, for damages by boatmen, etc., Canal L., §§ 172-4, 176, 178-80, pp. 461-4; R. S., pp. 1904-5, §§ 23-4.

5. Gambling and gambling apparatus on canal boats, prohibited, R. S., p. 1762, §§ 6-7; Pen. Code, §§ 336-7, 343, 350.

See Canals, 7.

CANAL COMMISSIONERS.

Office of, abolished, and duties devolved on sup't pub. works, Const. a. 5, § 3, p. 59.

CANAL FUND.

1. COMMISSIONERS of CANAL FUND are Lieut.-gov., sec'y of state, comptroller,

treas. and att'y-gen'l, who are also members of the canal board, Const. a. 5, § 5, p. 60; to superintend and manage the canal fund; make recommendations and annual report to the legislature; make advances to sup'ts of canal repairs; may borrow money; when authorized to borrow; must advertise for proposals, R. S., pp. 1664-5, §§ 4-9; L. 1848, ch. 215, p. 1665; Canal L., § 27, p. 427; may allow claims for payments of judgments against canal officers; may direct att'y-gen'l to defend interests of state in canal matters, § 36, pp. 430-1.

2. CANAL FUND, how constituted, Const. a. 7, § 9, p. 73; R. S., pp. 1663-4, § 1; Pub. Lands L., § 50, p. 403; Salt Sp. L., § 4, p. 468; charges on the fund, R. S., p. 1665, § 13 (\$9,000,000 loan, L. 1895, ch. 79, pp. 3020-4).

CANAL LAW.

Is ch. 13 of General Laws, pp. 416-66.

CANAL OFFICERS.

1. ASSISTANT SUPERINTENDENTS; three, appointed by sup't pub. works; one to be assigned to each of the three divisions of the canals; term of office, three y'rs, subject to suspension or removal by sup't; vacancies filled by sup't, Const. a. 5, § 3, p. 59; Canal L., § 23, sub. 2, p. 423; removable also by canal board on charges, Canal L., §§ 13-15, pp. 420-1; compensation, \$3,600 per year and expenses; no increase or diminution during term; no additional fees or perquisites, Canal L., § 21, p. 422; Const. a. 10, § 9, p. 81; Pen. Code, § 48; official oath and undertaking, Canal L., §§ 20-1, p. 422; Pub. Off. L., §§ 10-20, pp. 328-33; Pen. Code, §§ 42-3; duties to be prescribed by sup't, subject to legislation, Const. a. 5, § 3, p. 59; may alter or discontinue highway because of interference with canal, § 110, p. 446; contracts by, regulated, §§ 130-40, pp. 450-4; Const. a. 7, § 9, p. 73; chargeable with expense of cutting thistles and weeds on canal lands, § 35, p. 430; must certify accounts and estimates of sup'ts of repairs, §§ 26-7, pp. 426-7; each ass't sup't may have two clerks, § 30, p. 428; are peace officers as to crimes affecting canals, § 29, p. 428.

2. SUPERINTENDENTS OF REPAIRS; such number as sup't pub. works deems necessary, to be appointed and compensation fixed by him; subject to suspension or removal by him; Const. a. 5, § 3, p. 59; Canal L., § 23, subs. 3-5, p. 423; removable also by canal board on charges, §§ 13-15, pp. 420-1; official oath and undertaking, Canal L., § 26, p. 426; Pub. Off. L., §§ 10-20, pp. 328-33; Pen. Code, §§ 42-3; duties generally, Canal L., §§ 26-8, pp. 426-8; not to make contracts, except in emergencies without estimates, to be approved by sup't or ass't sup't, §§ 138, 27, pp. 453, 427.

3. Division, resident and assistant engineers, to be appointed and removed, and

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compensation fixed, by state engineer, Const. a. 5, § 3, p. 59; Ex. L., § 62, sub. 5, p. 378; Canal L., §§ 50, sub. 3, 23, sub. 3, pp. 433, 423; duties generally, §§ 50-8, pp. 432-7.

4. Lock-keepers, to be appointed, suspended, removed, and compensation fixed by sup't pub. works, Const. a. 5, § 3, p. 59; Canal L., § 23, subs. 3-5, p. 423; must determine priority of right to pass through lock, § 170, p. 460; removable also by canal board on charges, §§ 13-15, pp. 420-1; is a peace officer as to crimes affecting canal, § 29, p. 428.

5. Weighmaster, making false entry, punishable, Pen. Code, § 477.

6. Foreman of sections, is a peace officer as to crimes affecting canal, Canal L., § 29, p. 428.

7. Other officers and employes to be appointed, removed and compensation fixed by sup't pub. works, Const. a. 5, § 3, p. 59; Canal L., § 23, subs. 3-5, p. 423; removable also by canal board on charges, §§ 13-15, pp. 420-1.

8. Provisions applicable to two or more canal officers; not to be interested in hydraulic works dependent on canals, or in canal transportation; must receive no benefit from canal expenditures beyond established compensation, Canal L., §§ 32-3, p. 429; concealing or omitting to disclose frauds on canal revenues; bribery, punishable, Pen. Code, §§ 478, 481; exempt from arrest in civil action for official acts and omissions; from military duty, Canal L., § 31, p. 429; Mil. Code, § 2, sub. 1, p. 502; from jury duty, Civ. Code, § 1030; upon discharge or death must deliver over property, summary proceeding therefor, Canal L., § 34, p. 430; Civ. Code, § 2471a.

CANALS.

1. State canals enumerated; not to be leased or sold, Const. a. 7, § 8, p. 72; Canal L., § 2, p. 416; term canals as used in canal law includes feeders, side cuts and other works, § 2, p. 417; boundaries of the THREE DIVISIONS OF THE CANALS to be fixed by canal board, § 10, sub. 2, p. 418; MAPS AND FIELD notes of all canals to be made and kept on file in state engineer's office; transcripts thereof in co. clerk's office; certified copies of either, evidence same as originals, §§ 4-5, 50, sub. 5, pp. 417-18, 433; Civ. Code, §§ 933, 957-9; canal board may determine as to ABANDONMENT of canal lands, except as prohibited by Const. (a. 7, § 8, p. 72); comm'rs of land office may dispose of lands so abandoned; preference to original owner for am't of original payment, Canal L., § 10, p. 418; Pub. Lands L., §§ 50-2, p. 403; lands conveyed for canal fund, not devoted to public use, are unappropriated state lands and may be disposed of accordingly, Pub. Lands L., §§ 30, ff, pp. 398, ff.

2. ACQUISITION OF REAL PROPERTY for canal purposes; sup't pub. works may enter upon and take possession of real property in his judgment necessary; or necessary for repairs and improvements directed by canal board or legislature; survey and map to be made, and certified by state engineer; indorsed by sup't, and filed in state engineer's office; notice thereof to be served on property owners; title therein rests in state; owners to be paid damages less benefits; to be awarded by board of claims, except that damages for taking earth or materials from adjacent lands for repairs, and damages from overflow, or temporary occupation, may be agreed upon by sup't and owner, subject to approval by canal board, Canal L., § 23, sub. 10, §§ 37, 70-8, 424, 431, 438-40; L. 1884, ch. 336, §§ 1-3, pp. 2613-14; L. 1883, ch. 205, pp. 2559-69.

3. CANAL REPAIRS AND IMPROVEMENTS; legislature may authorize debt for improvement of canals, Const. a. 7, § 10, p. 73; \$9,000,000 of bonds for certain improvements authorized, L. 1895, ch. 79, pp. 3020-4; work for enlargement and improvement under contracts made by sup't pub. works to be kept distinct from ordinary repairs, Canal L., § 136, p. 453; estimates of ORDINARY REPAIRS, to be made bi-monthly, in advance, by each sup't of repairs; indorsed by sup't or ass't sup't of pub. works; filed in comptroller's office; moneys therefor to be advanced accordingly and expended strictly in accordance with estimates; bi-monthly accounts thereof to be rendered; certified by sup't or ass't sup't pub. works, and filed with and audited by comptroller; monthly abstracts of such expenditures to be published and filed, §§ 26-8, pp. 426-8; materials and tools for ordinary repairs may be purchased by a sup't of repairs, without advertising. If so directed by sup't pub. works and not otherwise, except IN SPECIAL EMERGENCY, in which case materials may be taken from adjoining lands; all materials and tools to be inspected, §§ 137-9, 71-4, pp. 453, 438-9; CONSTRUCTION or IMPROVEMENT, ordered by canal board or legislature, must be estimated by engineers; all CONTRACTS therefor must be in writing, after advertisement, and let to the lowest bidder; regulations as to such contracts, §§ 50-8, pp. 433-7; §§ 130-3, pp. 450-2; § 140, p. 454; contractor must give security for performance of contract and payment of his laborers, Const. a. 7, § 9, p. 73; §§ 134-5, p. 452; materials of contractor exempt from execution, but sup't may pay execution and apply on contract, § 141, p. 452; no payment to be made to contractor, except on sworn certificate of engineer and receipt of contractor, audit of comptroller and draft by sup't of public works, §§ 143-4, pp. 454-5; all directions to contractor to be in writ-

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ing, § 142, p. 454; ALL CONTRACTS for work or materials on any canal, to be made with person offering lowest price therefor, with adequate security; no extra compensation; oppressive contract may be canceled, Const. a. 7, § 9, p. 73.

4. HIGHWAYS AND BRIDGES OVER AND ALONG CANALS; sup't of pub. works may discontinue or alter public roads interfering with canal; must first lay out and work new road in lieu thereof and file maps; must maintain all public bridges made necessary by first construction of canals; may discontinue private bridges by laying out road in lieu of same or by paying damages to owner; no bridge to be constructed without first filing model and plan approved by sup't works; all new bridges made necessary by new streets or roads are to be built and maintained by municipalities, and in case of new lift or spring bridge, interested mun. corp. must pay expenses of maintenance, but sup't appoints tenders, §§ 110-129, pp. 446-50.

5. RAILROADS within 10 rods of canals to be under supervision of sup't of public works; no new road to be built in that distance of canals or feeders, unless maps filed with sup't pub. works are approved by him and by canal board with suitable restrictions, Canal L., § 26, p. 426; R. R. L., § 13, p. 1261.

6. STRUCTURES ON CANALS AND USE OF WATER POWER; canal board may permit erections on canal property to owner of adjoining property only; and use of surplus waters, Canal L., § 11, p. 419; applicant for water to construct raceway, give security, and pay for benefits, § 90, p. 441; illegally drawing water from canal is misdemeanor, Pen. Code, § 480; canal board to make appraisal of benefits and report to state treasurer, Canal L., § 91, p. 441; adjoining user damaged by diversion has first right to water; then owner of adjoining land; each water privilege to be sold separately near place of using, after published notice; conditions of leases, §§ 92-5, pp. 442-3; purchaser must erect walls without waste-gates, and discharge water as ordered by state superintendent, except in specified places, §§ 96-101, pp. 441-5.

7. DAMAGES from the canals, to be allowed by board of claims, Canal L., § 37, p. 431; L. 1883, ch. 205, pp. 2559-60; damages for taking property for canals, see 2 above; nuisance from overflow or leakage, to be abated, Pub. H. L., § 7, p. 791.

8. NAVIGATION; no tolls to be imposed on persons or property transported on the canals, Const. a. 7, § 9, p. 73; canal officers to designate berths for boats, § 167, p. 459; regulations of speed, passing of locks, obstruction of navigation, §§ 169-72, pp. 459-61; canal officers may seize and sell any float obstructing navigation, § 173, p. 461; ob-

structing canal or rendering it dangerous to navigation is a misdemeanor, Pen. Code, §§ 385, 387; regulations as to wharves and basins; driving on towpath; speed over bridges; quantity of water to be taken from waste-weirs, §§ 175-8, pp. 462-3; sup't of public works may permit electrical or other systems of towing to be tried on canals; may grant right of way for metal conductors of power, § 38, p. 432.

See Canal Boats.

9. DRAINAGE PROCEEDINGS; not to interfere with canals, R. S., p. 1928, § 24.

10. CRIMES relating to canals, courts of special sessions to have jurisdiction, Crim. Code, § 56, sub. 19.

CANCELLATION.

1. Of real estate mortgages by record of satisfaction executed and acknowledged, R. S., p. 1840, § 28; p. 1830, § 1; p. 1832, § 4.

2. Of chattel mortgages by filing certificate of payment from mortgagee where mortgage was filed, L. 1879, ch. 171, p. 2015.

3. Of mechanics' liens; by filing certificate of payment duly acknowledged; by deposit of money with county clerk; by lapse of one year without beginning action; by order of court on failure to prosecute; by giving bond, L. 1885, ch. 342, pp. 2646-7.

4. Of liens on oil or gas wells; by filing certificate of payment duly acknowledged; by deposit of money; by certificate of clerk as to result of action, L. 1880, ch. 440, p. 2486.

5. Of lien on vessel by giving bond, L. 1862, ch. 482, p. 2204; of lis pendens, Civ. Code, § 1674; of notice of attachment of real property, § 711.

CANDIDATES.

See Bribery; Elections.

CANDIES.

See Adulteration.

CANNED FOOD.

To be labeled clearly with name of packer and brand; soaked goods to be so branded; imported goods exempted; penalty for violation; duties of board of health, L. 1885, ch. 269, p. 2632; false labeling forbidden, Pen. Code, §§ 438, 438a.

CANS.

Of oysters to be branded with quantity; not more than one-fourth to be liquid, L. 1849, ch. 372, p. 2112; false brand forbidden, Pen. Code, §§ 438, 438a.

CANVASS.

See Elections.

CAPITAL CRIMES.

Are treason and murder in first degree, Pen. Code, §§ 38, 186; person accused of, not to be held to answer, except after indictment, Const. a. 1, § 6, p. 28; ballable

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only by sup. ct. judge, Crim. Code, § 352; triable only by sup. ct. or ct. gen. sess. of N. Y. city, § 22; appeal from judgment of conviction of is appealable to ct. app., § 517; capital punishment inflicted by electrocution, Crim. Code, §§ 490-509.

CAPITOL.

1. CONTROL vested in trustees of public buildings, who appoint superintendent of buildings, who has immediate control, Pub. Build. L., §§ 2-4, pp. 490-2; trustees to allot rooms to state departments, § 3, p. 491; to G. A. R., § 5, p. 492; to bureau of military records, Mil. Code, § 42, p. 516; to state lunacy commission, L. 1889, ch. 283, § 6, p. 2750; to state board of charities, L. 1895, ch. 771, p. 3093; to board of claims, L. 1883, ch. 205, § 14, p. 2569.

2. FLAGS of U. S. and of state to be displayed over capitol during sessions of legislature, Pub. Build. L., § 4, p. 492; STATE ARMS to be displayed in certain chambers, State L., § 41, p. 198.

3. Further CONSTRUCTION to be under supervision of capitol commission who shall examine and pass upon plans and specifications, prepared by commissioner of capitol, Pub. Build. L., §§ 7, 6, p. 493; contracts to be let by commission only after advertising; reservation in contracts for forfeiture; how payments for work shall be made, §§ 8-9, pp. 494-6.

CAPITOL COMMISSIONER.

1. Appointed by governor, by and with advice and consent of senate, Pub. Build. L., § 6, p. 493; is a state officer, Pub. Off. L., § 2, p. 325; to be ELIGIBLE must be of full age, a citizen of U. S. and resident of state, § 3, p. 325 (see under Public Officers, convictions which disqualify); HOLDS OFFICE until end of term of governor appointing him, unless capitol is sooner completed, Pub. Build. L., § 6, p. 493; HOLDS OVER until successor qualified, Pub. Off. L., § 5, p. 326; SALARY is \$7,500; must give bond in \$50,000, and file oath; result of failure to file bond or oath, § 6, p. 493; Pub. Off. L., §§ 10-20, pp. 329-33; Pen. Code, §§ 42-3; RESIGNATION must be in writing addressed and delivered to governor, Pub. Off. L., § 21, p. 334; REMOVABLE by the senate on recommendation of governor, Pub. Off. L., §§ 22, 25, pp. 335-6; VACANCY in office, how created, Pub. Off. L., § 20, p. 333; how filled, § 28, p. 338.

2. DUTIES; shall prepare plans and specifications and act as architect of all state buildings; shall be the superintendent of construction of the capitol, Pub. Build. L., §§ 7, 10, pp. 493, 496.

CAPITOL COMMISSIONERS.

1. MEMBERS are lieut.-gov., state eng., sup't of pub. works, and two commissioners

appointed by governor; latter to serve during term of governor and until successors qualify and without salary, Pub. Build. L., § 7, pp. 494-5; are public officers and must file OFFICIAL OATH, Pub. Off. L., §§ 2, 10-20, pp. 325, 328-33; Pen. Code, §§ 42-3.

2. DUTIES; to examine and pass upon drawings and specifications for capitol construction; elect one of their number chairman and one secretary, Pub. Build. L., § 7, p. 494; to let contracts for further construction, or have certain parts done by day labor; to approve estimates on work done; to render monthly accounts to comptroller, §§ 8-11, pp. 494-6.

CARRIAGES.

Include all vehicles used to transport persons or goods, including bicycles or tricycles, High. L., §§ 162-3, p. 717; no discrimination against bicycles; must turn to right, penalty for neglect, § 157, p. 715; penalty for employing intemperate driver, §§ 158-9, p. 716; for leaving in road with horse untied, § 160, p. 717; liability of owners of carriages for acts of servants, § 161, p. 717.

CARRIERS.

1. Regulations and prohibitions as to TRANSPORTATION; of venison, Fish. L., § 46, p. 879; of obscene matter, Pen. Code, § 319; of person infected with contagious disease, Pen. Code, § 434; of corpses, Pub. H. L., §§ 5, 23, pp. 790, 798.

2. DISCRIMINATION against colored persons, prohibited, L. 1881, ch. 400, p. 2527; Pen. Code, § 383; EXPULSION of passengers for violating reasonable regulations, Pen. Code, § 223.

3. UNCLAIMED GOODS may be sold by common carriers, generally, L. 1837, ch. 300, pp. 2051-2; R. R. L., § 46, p. 1277; by express co., L. 1855, ch. 523, p. 2154; HYPOTHECATION of goods prohibited, L. 1830, ch. 179, p. 2007.

4. Intemperate persons not to be employed by, Pen. Code, § 420; Ex. L., § 39, p. 1642; High. L., §§ 158-9, p. 716.

5. Joint-stock association or partnership carrier, to file certificate or any member thereof may be sued, Civ. Code, § 1945. See Express Cos.; Railroad; Steamboats, etc.

CARS.

1. All freight cars in use in state to be equipped with continuous power or air-brakes after Jan'y 1, 1903; 10 per cent. of all owned to be so equipped yearly until that date; roads to report progress to railroad commissioners, L. 1893, ch. 543, pp. 2020-2.

2. All new freight cars used in state to be equipped with automatic couplers; 20 per cent. of old ones to be so equipped yearly; railroads to report progress to state commissioners; use of coal "jimmies" pro-

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hibited; penalty for violation, L. 1893, ch. 544, pp. 2922-3.

3. Setting fire to cars is arson in its several degrees, Pen. Code, §§ 486-9, 493; breaking and entering cars is burglary in third degree, §§ 498, 504.

See Railroads.

CASE AND EXCEPTIONS.

1. Necessary on APPEAL to APP. DIV. from judgment; not necessary ON MOTION FOR NEW TRIAL on minutes of judge; necessary in appeal from order denying motion; on motion for new trial at special term; preparation and settlement, Civ. Code, §§ 997-1007; Sup. Ct. Rules 32-5.

2. ON APPEAL TO CT. APP., how made; printing, service and filing, Ct. App. Rules 4-7.

CASKS.

Used for malt liquor may be branded with trade-mark if registered and published; other persons forbidden to use such casks under penalty; owner may have search warrant to discover, L. 1864, ch. 276, pp. 2213-4; L. 1887, ch. 377, pp. 2709-10; sale of cask of meal or flour on which tare or weight is undermarked forbidden; penalty, R. S. p. 1719; counterfeiting of brand forbidden, Pen. Code, §§ 369-71.

(See Brands.)

CASUALTY INSURANCE.

See Insurance.

CATHOLIC (ROMAN) CHURCHES.

See Religious Corporations.

CATSKILL DEER PARKS.

Lands set aside for, Fish L., § 283, p. 920.

CATTARAUGUS INDIANS.

See Indians.

CATTARAUGUS COUNTY.

Is in the eighth JUDICIAL district, L. 1847, ch. 241, p. 2093; in fiftieth SENATORIAL, Const. a. 3, § 3, p. 45; in thirty-fourth CONGRESSIONAL, L. 1892, ch. 295, p. 2851; has two members of ASSEMBLY, Const. a. 3, § 5, p. 46; compensation of county judge and surrogate, Co. L., § 222, p. 653.

CATTLE.

1. Tuberculosis in; state board of health to investigate; may cause infected animal to be killed; animal to be appraised; owner to receive full value of sound animal killed; half value of diseased animal; methods of appraisal and payment; penalties for violation of law, Pub. H. L., §§ 60-5, pp. 810-4; Pen. Code, §§ 396-7.

2. Affected with other contagious or infectious disease; com'r of ag. to quarantine animals and farms; to destroy diseased animals; regulations; compensation to owner and payment; work to be done under

veterinary surgeon and in harmony with U. S. inspectors and rules, Ag. L., §§ 60-71, pp. 955-8.

3. Driving upon sidewalks prohibited, Pen. Code, § 652.

4. REGISTERING by false pretenses punishable, Pen. Code, § 566a.

See Animals, for cattle straying, etc.; Cows.

CAUCUSES.

See Elections.

CAUGHNAWAGA INDIANS.

See Indians.

CAUSES OF ACTION.

1. To be separately stated in pleading, Civ. Code, §§ 483, 507; what may be joined in pleading in court of record, §§ 484, 501; in justice's court, Civ. Code, § 2937.

2. What causes of action are assignable, Civ. Code, §§ 1909-13.

(Particular causes of actions are separately indexed under appropriate heads.

CAVALRY.

See Militia.

CAYUGA AND SENECA CANAL.

See Canals.

CAYUGA COUNTY.

Is in the seventh JUDICIAL district, L. 1847, ch. 241, p. 2093; in thirty-ninth SENATORIAL, Const. a. 3, § 3, p. 44; in twenty-eighth CONGRESSIONAL, L. 1892, ch. 295, p. 2851; has two members of ASSEMBLY, Const. a. 3, § 5, p. 46; compensation of county judge and surrogate, Co. L., § 222, p. 653.

CEMETERIES.

1. EXEMPTION of cemetery property from taxes, assessments and executions, L. 1847, ch. 133, § 10, p. 2088; from sale under mortgage or for any liability; unless cemetery ceases to be used as such, L. 1879, ch. 310, p. 2461; L. 1893, ch. 498, p. 1678; HIGHWAY through cemetery not to be opened, unless by order of co. ct. and removal of all remains, High. L., § 91, p. 700; or by consent of trustees or special act, L. 1847, ch. 133, § 10, p. 2088; pipe-line may not condemn right of way through cemetery, Trans. Corp. L., § 42, p. 1347; lien on MONUMENTS in, how acquired and foreclosed, L. 1888, ch. 543, pp. 2740-2; INJURIES to monuments or shrubbery, punishable, Pen. Code, § 647; killing or trapping ANIMALS or birds in, punishable, Pen. Code, § 640, sub. 10.

2. Executor or adm'r may expend reasonable sum for cemetery lot and monument, Civ. Code, § 2749

3. Discrimination against colored persons, by cemetery associations, prohibited, Pen. Code, § 383.

3. **BURIALS**; local boards of health may make sanitary regulations and designate who may issue permits for burials, Pub. H. L., § 23, p. 798; board of supervisors may make regulations as to mode of burials, L. 1854, ch. 238, p. 2135; control of owners of cemetery lot over burials therein, Mem. Corp. L., § 51, p. 1450.

4. **REMOVAL of REMAINS** from private cemetery, by supervisor, with consent of cemetery owners and next of kin resident in this state, L. 1854, ch. 112, § 11, p. 2133; from one cemetery of a religious corporation to another cemetery owned by it, Relig. Corp. L., § 8, p. 1398; from lot of a cemetery of a cemetery corporation, with consent of corporation, or order of court, and consent of lot-owners and relations, Mem. Corp. L., § 51, p. 1450.

5. **TOWN CEMETERIES**; trustees of, to be chosen at town meetings; are corporate bodies; duties, etc.; use of income; free lots for indigents; town deemed owner of burial ground used by town for 14 y'rs, Town L., §§ 193-5, pp. 776-7; on division of town, town cemetery belongs to town where situated, § 3, p. 724.

6. **VILLAGE CEMETERIES**; taxpayers of village may direct trustees to purchase lands for cemetery, resolution to provide tax to pay for and improve land; trustees may regulate by ordinance; lay out in lots; provide for sale and record of deeds; portion to be reserved for interment of strangers; record of burials to be kept, L. 1847, ch. 209, pp. 2091-3; village, except in counties of Queens and Westchester, may acquire lands therefor, by deed, devise or condemnation, L. 1870, ch. 760; L. 1892, ch. 518, pp. 2321-2; Civ. Code, §§ 3357-84; Stat. Const. L., § 32, p. 119; villages may regulate and control existing cemeteries and location of new ones, and prevent interments within corporation except in same, L. 1870, ch. 291, p. 2278; village trustees may appoint cemetery commission; duties, etc., L. 1871, ch. 606, p. 2325.

7. **CITY CEMETERIES**; city, except in New York, Kings, Queens and Westchester, may acquire lands for cemeteries by deed, devise or condemnation, L. 1870, ch. 760; L. 1892, ch. 518, pp. 2321-2; Civ. Code, §§ 3357-84; Stat. Const. L., § 32, p. 119.

8. **CHURCH CEMETERIES**; religious corporation may take, hold and manage property for cemeteries; may sell and convey lots; execution and record of deeds of lots, Rel. Corp. L., § 7, p. 1397; cemetery not to be mortgaged while used for cemetery purposes, § 11, p. 1400.

See Cemetery Corporations.

CEMETERY CORPORATIONS.

(Cemetery corporations may be organized as stock corporations for purposes of profit, under Bus. Corp. L., see § 2, thereof, p.

1384, and see Business Corporations; trustees of town cemeteries are corporate bodies, see Cemeteries, 5; former rural cemetery corporations, incorporated under laws now repealed, and new corporations of same nature, are governed by Mem. Corp. L., §§ 40-55, pp. 1444-53; private and family cemetery corporations, under Mem. Corp. L., §§ 56-7, pp. 1453-4.)

1. **CERTIFICATE OF INCORPORATION**; number and qualifications of incorporators; contents of certificate, generally, Mem. Corp. L., § 41, p. 1444; Gen. Corp. L., § 4, p. 975; name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976; number and qualification of directors named in certificate, Mem. Corp. L., § 41, p. 1444; Gen. Corp. L., § 29, p. 987; certificate may contain any provision which does not exempt directors from obligations imposed by law, Gen. Corp. L., § 10, p. 978; may provide for cumulative voting at corporate meetings, Gen. Corp. L., § 20, p. 983; certificate, how executed and where filed; must be approved by justice sup. ct. and fees for filing paid before filing, Mem. Corp. L., § 41, p. 1444; Gen. Corp. L., § 5, p. 976; fees for filing, by sec'y of state, \$10, and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; of co. cl'k, six cents and 10 cents per folio, Civ. Code, § 3304; **PRIVATE CEMETERY CORPORATION**, Mem. Corp. L., § 56, p. 1453; family cemetery corporation, § 57, p. 1454.

2. **CERTIFICATE**, presumptive EVIDENCE of incorporation, and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, §§ 933, 957-9; if certificate filed, be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

3. **CHARTER** may be changed by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, § 7, p. 977; corporate existence may be extended, § 32, p. 988; name may be changed, Civ. Code, §§ 2411-17; number of directors and time of annual meetings may be changed, Mem. Corp. L., §§ 14-5, 44, pp. 1440-1, 1446; TRUSTEES of property may be designated by stockholders, Mem. Corp. L., § 10, p. 1437.

4. **INCORPORATION** of unincorporated association, how authorized; and transfer of property thereof to the corporation, Mem. Corp. L., § 5, p. 1434; **REINCORPORATION** under Mem. Corp. L. of corporation created under special law, § 6, p. 1435; former stock cemetery corporations continue as membership corporations; reissue of stock and payment of dividends, § 55, pp. 1452-3; **CONSOLIDATION** of two or more corporations, § 7, p. 1435.

5. Must organize and commence operations within two years after incorporation, Gen. Corp. L., § 31, p. 988.

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6. CORPORATE POWERS are only such as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; Mem. Corp. L., § 41, p. 1444; corporate seal may be adopted and altered, Gen. Corp. L., § 11, p. 978; if not adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may make by-laws, Gen. Corp. L., § 11, p. 978 (see 7, below); may take property (not exceeding 200 acres of land), by grant, will, or condemnation, with exceptions and limitations as to lands in New York, Kings, Queens, Westchester and Rockland counties, Mem. Corp. L., § 45, p. 1446; Civ. Code, §§ 3357-84; L. 1870, ch. 760; L. 1892, ch. 518, pp. 2321-2; Stat. Const. L., § 32, p. 119; Gen. Corp. L., §§ 11-14, pp. 978-80; can not locate cemetery in city or village, without consent of local authorities, § 45, p. 1447; may dispose of property, Gen. Corp. L., § 11, sub. 3, p. 978; except that leave of court must be obtained for certain conveyances, mortgages or leases of real property, Mem. Corp. L., § 13, p. 1439; L. 1871, ch. 419, p. 2324; Civ. Code, §§ 3390-7; and sale of burial lots in its cemetery conveys limited title, Mem. Corp. L., § 49, p. 1448; if cemetery abandoned, all lands may be sold with leave of court, L. 1895, ch. 149, p. 3025; corporation is subject to visitation of sup. ct., Mem. Corp. L., § 16, p. 1441.

7. BY-LAWS, by whom made; provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 29, 20, pp. 978, 987, 983; Mem. Corp. L., §§ 8, 9, 13, pp. 1436-7, 1439; may provide who shall be proxies and duration of proxies, Gen. Corp. L., § 21, p. 984.

8. MEMBERS OF CORPORATION, charter members; new members, how admitted, Mem. Corp. L., §§ 8, 9, pp. 1436-7; Gen. Corp. L., § 3, sub. 8, p. 975.

9. CORPORATE MEETINGS and ELECTIONS of officers, when held; number, classification and qualifications of directors; who are voters; conduct of elections; review thereof by court; changing number of directors and time of meeting, Mem. Corp. L., §§ 8-10, 14-15, 43-4, pp. 1436-8, 1440, 1445-6; Gen. Corp. L., §§ 11, 20-7, 33, pp. 977, 983-6, 989; holders of certificates of indebtedness; or stock certificates as substitutes therefor, as voters at corporate meetings, Mem. Corp. L., §§ 54-5, pp. 1452-3.

10. DIRECTORS; duties and liabilities generally; quorum, Gen. Corp. L., §§ 29, 39, pp. 987, 992; annual report and inventories; right to compensation; individual interests in corporate contracts; individual liability for corporate debts, Mem. Corp. L., §§ 11, 12, 44-9, pp. 1438-9, 1446-9; number of directors; first directors to be named in

certificate of incorporation, Mem. Corp. L., § 41, p. 1444; thereafter to be elected by members, § 10, p. 1437; may be increased or diminished, and classified, Mem. Corp. L., §§ 8, 14, pp. 1436, 1440; at least two directors must be residents of this state, and all must be members of the corporation, Gen. Corp. L., § 29, p. 987; Mem. Corp. L., § 10, p. 1437; directors hold over till successors chosen, Gen. Corp. L., § 23, p. 985; may be suspended or removed for misconduct; vacancies, how filled, Civ. Code, §§ 1781-3; Mem. Corp. L., §§ 8-10, pp. 1436-7; actions brought against corporation with collusion of directors may be stayed, Gen. Corp. L., § 28, p. 986; when liable with corporation, may be sued separately or joined, Civ. Code, §§ 1790-6; not privileged from testifying as to corporate matters on ground of incrimination, Civ. Code, § 1805; are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987.

11. CERTIFICATES OF INDEBTEDNESS, may be issued, and certificates of stock formerly issued in place of certificates of stock entitle holders to vote, but do not change the corporation from a membership to a stock corporation, Mem. Corp. L., §§ 54-5, pp. 1452-3.

12. EXEMPT FROM TAXATION on personal property, and under transfer tax law, L. 1889, ch. 191, § 1, p. 2748; and on land used for cemetery purposes, with certain exceptions and limitations, L. 1893, ch. 498, p. 1678.

13. DISSOLUTION of corporation, by court, if cemetery abandoned, etc., L. 1805, ch. 140, p. 3025.

14. MANAGEMENT of CEMETERY; surveys and maps of cemetery to be made, Mem. Corp. L., § 40, p. 1447; rules and regulations to be printed, posted, and penalties for violations thereof may be prescribed, § 47, p. 1448; prices and sales of burial lots regulated; proceeds of sales, how disposed of, §§ 47, 49-50, pp. 1448-9; permanent fund may be established, § 41, p. 1444; tax on lot-owners for benefit of cemetery, how assessed and collected by the corporation, § 52, p. 1451; expenses of improving vacated lot, assessed thereon, § 53, p. 1451.

15. BURIALS AND REMOVALS; local boards of health may make sanitary regulations as to burials, Pub. H. L., § 23, p. 798; board of supervisors may make regulations as to mode of burials, L. 1854, ch. 238, p. 2135; control of owners of lot over burials therein, Mem. Corp. L., §§ 45, 49, 51, pp. 1447, 1448, 1450; record of burials to be kept, § 48, p. 1448; removal of remains, with consent of corporation, lot-owners, relatives and court, § 51, p. 1450.

(For procedure in actions and special proceedings by and against corporations, dissolutions, receiverships, etc., see Corporations; Receivers; Taxation, etc.)

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CENSUS.

1. Of INHABITANTS of STATE, to be taken by sec'y of state in May and June, 1905, and each 10 years thereafter, Const. a. 3, § 4, p. 45.

2. Of SCHOOL children; to be taken biennially by state sup't pub. inst.; statistics to be gathered; machinery used; expenses paid by towns and cities, L. 1895, ch. 550, pp. 3053-4.

3. Of INDIANS; to be taken annually by agents and reported to comptroller, Ind. L., § 21, p. 210.

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1. Of ACKNOWLEDGMENT; to be indorsed on instrument; in certain cases must be authenticated; to be recorded with instrument, R. S., p. 1838, §§ 15-20; of instrument executed without the state must be authenticated to entitle it to record, L. 1867, ch. 557, p. 1833.

2. Of limited PARTNERSHIP; contents and execution; to be filed and recorded; consequences of false certificate, R. S., pp. 1844-5; to continue use of partnership name on change of members must be acknowledged, published and recorded with co. clk., L. 1854, ch. 400, pp. 2137-8.

3. Of MARRIAGE; by whom to be made; contents; when and where to be filed; contents of entry; certificate or certified copy of entry are evidence, R. S., pp. 1893, §§ 13-7; Civ. Code, § 928.

4. As EVIDENCE; of incorporation, Gen. Corp. L., § 9, p. 978; by officer having custody of paper as to its loss, Civ. Code, § 921; of copy of will, § 2629; by officer in certain cases is presumptive evidence of facts recited, § 922; by notary is presumptive evidence of protest unless original affidavit of nonservice is served, §§ 923-4; by judge or referee as to right to increased costs is only competent evidence before taxing officer, § 3248; of copies of public state records, § 933; of records of conveyances, § 935; of legislative documents and files, Leg. L., § 22, p. 348; of village clerk as to ordinances, L. 1870, ch. 291, § 16, p. 2309; of any mun. corp., Civ. Code, § 941; of county records, Co. L., § 26, p. 604; of acknowledged instruments excepting notes, Civ. Code, § 937; of copy of justice docket, §§ 938-9; of record of conveyance in another state, § 947; of records of courts and of public office in foreign countries, §§ 952, 956; Ex. L., §§ 87-8, pp. 386-7; contents and authentication of certificate to be used in evidence, §§ 957-62; of warden as evidence of former imprisonment, L. 1878, ch. 290, p. 2440; of presiding officer of senate or assembly is conclusive evidence as to passage of bill; may be omitted from published law, Leg. L., §§ 40, 44, pp. 349, 351.

4. In CRIMINAL matters; of judge transferring prosecution from magistrate to grand

jury, Crim. Code, § 57; of admission to bail to be indorsed on commitment, § 210; of execution of criminal to be made and filed, § 508; of judgment of appellate court to be made and remitted, §§ 547-9; of magistrate in prosecution of corporations, §§ 679-80; of CONVICTION; form and filing; is conclusive evidence of facts stated, §§ 721-5; of disorderly persons, § 902; of habitual criminal to be transmitted to each city and county, § 511; of REASONABLE DOUBT; by trial judge or judge sup. ct. with appeal stays execution; also by judge sup. ct. or judge ct. app. on appeal to ct. app., §§ 527-8; to be made on notice, and but one application therefor to be made; effect of certificate, §§ 529-31.

5. FALSE certificates; making false certificate by physician to procure excuse of juror is misdemeanor, Civ. Code, §§ 1120, 1161; making false certificate may be perjury, Pen. Code, § 96; of records by officer is felony, § 162; of other matters is misdemeanor, § 163; making false certificate of acknowledgment; of public indebtedness; of stocks or bonds; of execution of instrument, is forgery, §§ 509-10; when making of certificate is complete within Pen. Code, § 100; civil liability of corporation officer for making false certificate, Stock Corp. L., § 31, p. 1014.

6. Of NATURALIZATION; how obtained, L. 1805, ch. 927, p. 3112; procuring fraudulent, a felony, or presenting it in order to register, Pen. Code, §§ 41x and 41y.

CERTIORARI.

1. Is a state writ; two classes; how issued; in whose name; service, practice and return, Civ. Code, §§ 1991-2007.

2. To INQUIRE into cause of DETENTION; who is entitled to; by whom issued; contents of petition; form of writ; return; final order of remand or discharge, §§ 2015-66 (see, also, Habeas Corpus); imprisoning for same cause person released by certiorari, is forbidden; punishment and forfeiture; concealing or transferring to custody of another person for whose relief writ is issued, forbidden, Pen. Code, §§ 379-80.

3. To REVIEW PROCEEDINGS of inferior body; issued only where right is expressly conferred, or existed at common law and is not taken away, Civ. Code, § 2120; can not be used to review action of court of record in civil matter; nor an action not final; nor where rehearing can be had, §§ 2121-2; by what courts issued; rules of practice and appeal; service and return; what questions can be determined; hearings and final orders, Civ. Code, §§ 2123-48.

4. To review action of ASSESSORS; allowed only within 15 days after return of assessment-roll; on petition of aggrieved party by judge sup. ct. of same district; return, hearing, costs and appeal; does not stay proceedings, L. 1880, ch. 269, pp. 2472-5.

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5. To review assessment of corporation by **COMPTROLLER**; allowed only within 30 days after notice of assessment, on eight days' notice, after payment of tax and filing undertaking for costs, L. 1880, ch. 542, §§ 17-20, pp. 2503-5.

6. Proceedings in **ASSIGNMENT** matters may be removed to sup. ct. and reviewed, R. S., p. 1871, § 47.

7. To review action of board of **EXCISE** in refusing or revoking license; by what courts and on what papers heard, Exc. L., §§ 24, 29, pp. 1634-5, 1638.

8. **ABOLISHED** in **CRIMINAL** procedure, and appeal substituted, Crim. Code, § 515.

CESSIONS.

Of jurisdiction by state to U. S., enumerated, State L., §§ 20-37, pp. 153-96, and foot-note at p. 153.

CHAIN (Surveyor's).

For measuring land to be 22 yards long, and divided into 100 equal links, L. 1851, ch. 134, § 4, p. 2116; surveyor's testimony as to measurement or survey, unless evidence be given, if required of conformity of chain used, to state standard, § 33, p. 2120.

CHALLENGE.

1. Of voter at **CORPORATE** elections; form of oath to be taken, Gen. Corp. L., § 22, p. 984.

2. To **JUROR** in **CIVIL** matters; number of peremptory; what challenges to array are bad; trial of challenge, Civ. Code, §§ 1176-80.

3. In **CRIMINAL** procedure; to **GRAND JUROR** by district attorney or person held to answer; in challenge to panel; causes for challenge; how taken and tried; effect, Crim. Code, §§ 237-43; grand juror forbidden to act after challenge against him is allowed, Pen. Code, § 144; to **PANEL of TRIAL JURY**; defined; on what founded; how taken; exceptions to challenge and trial of; trial of challenge; if allowed, jury discharged, Crim. Code, §§ 361-8; to **TRIAL JUROR**; when taken; number of peremptory; for cause; general and particular causes; exceptions to challenge and trial of exception; trial of challenge; order of challenges, §§ 359-87.

4. To **PRIZE FIGHT**, defined; and prohibited, Pen. Code, §§ 458-9.

See, also, **Duel**; **Elections**.

CHAMPERTY AND MAINTENANCE.

1. Attorneys forbidden to buy claim, or procure, to be placed in his hands for suit, Civ. Code, §§ 72-5; Pen. Code, § 136; justice or constable or one prosecuting in person forbidden to buy claim, Civ. Code, §§ 3137-9; Pen. Code, §§ 137, 141; justice forbidden to procure action to be brought before him, Pen. Code, § 138; person not privileged from testifying to facts showing champerty, § 142.

2. Grant other than mortgage of lands held adversely to grantor is void, and a misdemeanor by grantor; and also by grantee, if action pending; but grantee may maintain action in name of grantor to recover the lands, R. S., p. 1813, §§ 147-8; Pen. Code, §§ 129-31; Civ. Code, § 1501.

CHAMPLAIN.

Lake, see **Game**; **Navigation**. Canal, see **Canal Law**, § 2, p. 416.

CHANCELLOR OF THE UNIVERSITY.

To be chosen by the regents by ballot; holds office during their pleasure; no compensation; duties, etc., Univ. L., § 5, p. 1476.

CHANCERY.

Supreme court has jurisdiction formerly exercised by court of chancery, Civ. Code, § 217.

CHANCERY FUND.

To be converted into cash and credited to general fund; payments therefrom, L. 1895, ch. 8:8, p. 3103.

CHARGE.

1. To grand jury, requisites of, Crim. Code, § 248.

2. To trial jury, § 388; contents of, § 420; misdirection is ground for new trial, § 465.

3. In civil action, exception to charge must be taken before jury reports, Civ. Code, § 995.

CHARITABLE BEQUESTS.

1. Not to be defeated by indefiniteness as to beneficiaries; cy pres doctrine adopted; lacking trustee, title vests in sup. ct., L. 1893, ch. 701, p. 2937.

2. Corporation may take by devise for purposes of its organization, Gen. Corp. L., § 11, p. 978; subject to limitations of, L. 1860, ch. 360; and L. 1848, ch. 319, § 6, p. 1875.

3. For benefit of common schools of state; how administered, Consol. Sch. L., p. 1511.

CHARITABLE CORPORATIONS.

Vacancies in required number of incorporators; how filled, L. 1894, ch. 709, § 2994. See **Cemetery Corporations**; **Corporations for the Prevention of Cruelty to Animals and Children**; **Hospital Corporations**; **Young Men's and Young Women's Christian Associations**; and **Membership Corporations**.

CHARITABLE INSTITUTIONS.)

See **State Board of Charities**.

CHARITIES, STATE BOARD OF.

See **State Board of Charities**.

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CHAUTAUQUA COUNTY.

Is in the eighth JUDICIAL district, L. 1847, ch. 241, p. 2093; in fiftieth SENATORIAL, Const. a. 3, § 3, p. 45; in thirty-fourth congressional, L. 1892, ch. 295, p. 2851; has two members of ASSEMBLY, Const. a. 3, § 5, p. 46; compensation of county judge and surrogate, Co. L., § 222, p. 653.

CHATTEL MORTGAGES.

1. MUST BE FILED where mortgagor resides, or if nonresident, where property is, in office of town or county clerk or register's office in New York; and unless so filed are void as against creditors and bona fide grantees, L. 1833, ch. 279, §§ 1-2, p. 2013; on CANAL BOATS, must be filed in office of comptroller, L. 1864, ch. 412, p. 2216 (see Canal Boats); mortgage creating lien on real and personal property and recorded need not be filed as a chattel mortgage, if executed by a corporation, L. 1868, ch. 779, § 1, p. 2013; nor if executed by telegraph, electric-light or telephone company, L. 1891, ch. 171, p. 2013.

2. MUST be REGISTERED by clerk alphabetically in books; and each mortgage consecutively numbered, L. 1849, ch. 69, p. 2014.

3. Annual reffiling, necessary to preserve validity as against bona fide purchasers; where filed, L. 1833, ch. 279, § 3, p. 2014.

4. CERTIFIED COPY of original or renewal is evidence of filing and renewal, L. 1833, ch. 379, § 4, p. 2015; and is evidence with like effect as original, Civ. Code, §§ 933-4, 957-9.

5. FEES for filing, six cts.; for entering in books, six cts. for each party; for searching, six cts., L. 1833, ch. 279, § 6, p. 2016; L. 1849, ch. 69, § 3, p. 2014; for making and certifying copy, eight cts. per folio, Civ. Code, § 3304.

6. DISCHARGED by filing certificate of holder of debt, L. 1879, ch. 171, p. 2015.

7. DISPOSAL of chattel mortgage property with intent to defraud mortgagee is a misdemeanor, Pen. Code, § 571.

CHATTLES.

1. Action to foreclose lien upon, Civ. Code, §§ 1737-41.

2. Action to recover, see Replevin.

3. Estates for years, and estates during life of third person after death of grantee or devisee are CHATTLES REAL; at will or by sufferance are CHATTEL INTERESTS, R. S., p. 1789.

4. Contracts for sale of, when required by statute of frauds to be in writing, R. S., §§ 3-4, p. 1886; see Frauds, Statute of; Assignments.

See Personal Property.

CHEATING.

Cheating at game, punishable, Pen. Code, § 339; various cheats, frauds, and false rep-

resentations prohibited, including false personation, obtaining signature, or employment by fraud, etc., Pen. Code, §§ 562-74; when larceny, Pen. Code, §§ 528-9, 536; when false representation must be in writing, to be punishable, § 544.

CHECKS.

See Baggage; Bills and Notes.

CHEESE.

See Dairy Products.

CHEMUNG COUNTY.

Is in sixth JUDICIAL district, L. 1847, ch. 241, p. 2093; in fortieth SENATORIAL district, Const. a. 3, § 3, p. 44; in twenty-ninth CONGRESSIONAL, L. 1892, ch. 295, p. 2851; has one member of ASSEMBLY, Const. a. 3, § 5, p. 46; compensation of county judge, Co. L., § 222, p. 653.

CHENANGO COUNTY.

Is in sixth JUDICIAL district, L. 1847, ch. 241, p. 2093; in twenty-sixth SENATORIAL district, Const. a. 3, § 3, p. 43; in twenty-sixth CONGRESSIONAL district, L. 1892, ch. 295, p. 2851; has one member of ASSEMBLY, Const. a. 3, § 5, p. 46; compensation of county judge, L. 1892; Co. L., § 222, p. 653.

CHIEF ENGINEER.

Of village fire department; how chosen and appointed; powers and duties, L. 1887, ch. 244, §§ 3-5, pp. 2696-7.

CHIEF OF ORDNANCE.

Is staff officer; appointed by governor; holds office during his pleasure and term expires with that of governor, Const. a. 10, § 4, p. 82; bond and duties, Mil. Code, § 35, pp. 511-3; commission and appointment, §§ 50-1, pp. 516-7.

CHILDREN.

1. Parental CUSTODY and GUARDIANSHIP; mother JOINT GUARDIAN with father equally; either upon death of other, may by DEED or WILL dispose of custody and tuition of unmarried child under 21, during minority or less period; rights and duties of person accepting such custody and tuition, R. S., pp. 1896-7, §§ 1-3; deed must be recorded and will proven in such case, before operation, Civ. Code, §§ 2851-60; priority of right of father, mother, and other relatives, to be GUARDIAN IN SOCAGE, R. S., p. 1783, § 5; duties and liabilities of guardian in socage, R. S., p. 1897, §§ 20-1; Civ. Code, § 1653; appointment by surrogate's court of GENERAL GUARDIAN of infant under 14 on petition of relative or other person; on infant's own petition, if over 14, Civ. Code, §§ 2821-50; GUARDIANSHIP OF INDIGENT CHILD may be com-

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mitted to incorporated orphan asylum, by both parents, by surviving parent, by either parent if the other has abandoned the child, by mother of bastard child; by guardian; by county judge, if both parents dead and no guardian, L. 1884, ch. 438, § 1, p. 2618; in proceedings to apply property of absconding parents to support of children, county court may appoint guardian ad litem, L. 1878, ch. 304, § 3, p. 2442; CUSTODY and MAINTENANCE of children before and after judgment in actions for DIVORCE and separation, Civ. Code, §§ 1751, 1760, 1771-3, 1769; if husband and wife are living separate without divorce, or either has joined Shakers, habeas corpus for child may issue, and custody awarded to proper parent, R. S., pp. 1895-6, §§ 1-6.

2. ABANDONMENT of child under six, a felony, Pen. Code, § 287; of children or neglect to support, generally, disorderly conduct, Crim. Code, § 809; of child forfeits parental rights, and adoption authorized, L. 1873, ch. 830, § 11, p. 2350; L. 1884, ch. 438, §§ 1, 7-13, pp. 2618, 2622-4; abandoned child, and abandoning parent may be arrested; parent's property may be seized, etc., Pen. Code, § 291; Crim. Code, §§ 921-6; L. 1878, ch. 304, pp. 2441-2.

3. ADOPTION of child by person not its parent, on proceedings before county judge; name of child; mutual rights of adopting parent and child, L. 1873, ch. 830, pp. 2348-50; from orphan asylum by agreement between asylum and adopting parents, L. 1884, ch. 438, §§ 7-13, pp. 2622-4.

4. APPRENTICING children, see Apprentices.

5. Corporal punishment of child by person in parental relation, Pen. Code, §§ 223, sub. 4, 203.

6. PROPERTY RIGHTS IN ESTATE OF DECEASED PARENT; see Descent; Distribution; certain personal property set apart for benefit of minor children, Civ. Code, §§ 2713, 2724; what are to be deemed ADVANCEMENTS by intestate to his children, upon settlement of his estate; value thereof, how determined; when to be set off or deducted, R. S., p. 1810, § 127; pp. 1827-8, §§ 23-6; Civ. Code, § 2733; ILLEGITIMATE children not entitled to inherit, R. S., § 19, p. 1827; except from mother without lawful issue, L. 1855, ch. 547, p. 2155; inheritance from, goes through line of mother, R. S., § 14, p. 1826; are made legitimate by subsequent marriage of parents, L. 1895, ch. 531, § 3051; child of marriage annulled on ground of idioy or lunacy of one of its parents, is legitimate child of the parent of sound mind, Civ. Code, § 1749; legitimacy of children born or begotten before divorce in action brought by wife, not affected by divorce; in action brought by husband, legitimacy of all children begotten before commission of offense,

not affected by divorce; begotten before commencement of action, presumed, Civ. Code, §§ 1759-60; POSTHUMOUS child is entitled to inherit future estate as if living at death of parent; birth of, defeats vesting of estate limited conditioned on death of parent without issue, R. S., §§ 30-1, p. 1792; begotten before and born after death of intestate inherits as if born before his death, R. S., § 18, p. 1827; born after making of will and not provided for, inherits as if parent died intestate, R. S., p. 1879, § 49; Civ. Code, § 1868.

7. CRIMINAL OFFENSES TOWARD CHILDREN; abandonment of child under six is felony, Pen. Code, § 287; neglect to provide food, etc., a misdemeanor, § 288, sub. 1; abandonment or neglect to support, disorderly conduct, Crim. Code, § 809; baby farming, unlicensed home for children under 12; nurse or midwife neglecting to report diseased eyes of infants under two weeks old, Pen. Code, § 288; concealing birth, §§ 296, 693; killing unborn quick child, §§ 190-1, 194, 295; AGE OF CONSENT for RAPE, ABDUCTION and KIDNAPPING, §§ 282, 278, 211; unlawful EMPLOYMENTS of children, Pen. Code, § 292; Consol. Sch. L., t. 16, § 5, p. 1614; L. 1886, ch. 409, pp. 2671-3; sending messenger boys to prohibited places, § 292a; solemnizing marriage of child under age of consent, § 376; production of pretended heir, § 151; substitution of one child for another to parent, etc., § 152; selling or giving LIQUOR to child, Ex. L., § 32, p. 1640; Pen. Code, § 290, sub. 3; selling firearms to, L. 1883, ch. 375, p. 2595; selling cigars or cigarettes to, § 290.

8. CRIMINAL OFFENSES AND DISORDERLY CONDUCT OF CHILDREN; capacity to commit crime generally; to commit rape, Pen. Code, §§ 18-19, 279; child under 18 having or carrying firearms in public place, guilty of misdemeanor, L. 1883, ch. 375, pp. 2595-6; truant children between 5 and 14 are vagrants, Crim. Code, § 887; between 8 and 16 may be arrested and sent to truant school, Consol. Sch. L., t. 16, §§ 8-9, pp. 1615-16; children actually or apparently under 16, begging, abandoned, exposed, frequenting improper places, unlawfully employed, etc., to be arrested, and committed to institution; child under 16 held for trial on criminal charge, or as witness in criminal case to be committed to institution, Pen. Code, § 290; child under 16 ACCUSED of crime to be tried separately and confined and transported separately, from other criminals, § 290; child under 16 CONVICTED of any crime or as vagrant, truant, or disorderly, not to be committed to any prison, but may be placed in charge of suitable person, or committed, when practicable, to an institution of same religious faith as its parents; otherwise, if convicted of a felony, or if over 12 and convicted of

any crime, in first, second or third judicial districts, to N. Y. Society for Reformation of Juvenile Delinquents, otherwise to State Industrial School at Rochester, Pen. Code, §§ 290, 713, 701; L. 1878, ch. 404, pp. 2447-8; L. 1891, ch. 216, p. 2830; L. 1865, ch. 172, § 5, p. 2219; L. 1886, ch. 539, p. 2684; L. 1846, ch. 143, § 13, p. 2083; Protestant girls under 16, committed from judicial dists. 5-8, other than for felony, to be committed to Shelter for Unprotected Girls in Syracuse, L. 1881, ch. 278, pp. 2520-3; LABOR of children committed to institutions not to be contracted, L. 1884, ch. 470, p. 2625; Const. a. 3, § 29, p. 54.

9. AGE of child may be PROVEN in judicial proceeding by exhibition of child or by physician's examination, L. 1882, ch. 340, p. 2547.

10. EVIDENCE of child under 12, in criminal proceedings, may be taken without oath, Crim. Code, § 392.

(For education of children, see Schools; for pauper children see Poor; Bastards.)

CHOLERA.

See Health; Quarantine.

CHLORAL.

Prescription containing, not to be refilled more than once, Pub. H. L., § 208, p. 868.

CHRISTIAN DENOMINATION.

See Religious Corporation.

CHRISTMAS.

Is a holiday, Stat. Const. L., § 24, p. 115; see Holidays.

CHURCHES.

Person unlawfully frequenting may be punished, Crim. Code, § 56, sub. 23; destroying property of, forbidden, Pen. Code, § 650.

See Religious Corporations; Religious Meetings.

CIRCUIT COURTS.

Abolished, and jurisdiction transferred to trial term sup. ct., Const. a. 6, § 6, p. 63.

CIRCUS.

Municipal corporation may pass ordinances regulating and discriminating against, Mun. Corp. L., § 27, p. 591.

CIGARS AND CIGARETTES.

Sale of, to child under 16, forbidden, Pen. Code, § 290; employment of child collecting stubs may be arrested and committed, Pen. Code, § 292

CITATIONS.

In the matter of assignments for the benefit of creditors, how made; service and effect, L. 1877, ch. 466, §§ 11-13, p. 2433; in SURREGATE'S court, matters included in definition; issue, service, effect and general

procedure, Civ. Code, §§ 2514-38; on probate of will, §§ 2617-8; on application to revoke probate, § 2649; in proceedings to discover withheld property, § 2708; upon proceedings for appointment of guardian, §§ 2823-4.

CITIES.

1. Legislature shall provide for ORGANIZATION OF CITIES, Const. a. 12, § 1, p. 82; may do so by special acts, a. 8, § 1, p. 73; general corporate powers, Gen. Corp. L., § 11, p. 978.

2. CLASSES OF CITIES; first class, 250,000 population or more; second class, 50,000 or more, and less than 250,000; third class, less than 50,000, Const. a. 12, § 2, p. 83.

3. SPECIAL CITY LAWS are those which relate to a single city, or to less than all the cities of a class; special bill for one or more cities, immediately after passage, to be transmitted to mayor of each city to which it relates; mayor to give notice of hearing; hearing to be had by mayor, if city of first class; by mayor and legislative body of city, if of second class; within 15 days after receipt of bill, mayor to return it to the legislature if in session, otherwise to the governor with certificate of acceptance or rejection by the city; if accepted is subject to action of the governor; if during the session of the legislature, it is rejected, or is not returned before 15 days for its return expires, only after passage again by both houses, is subject to action of governor; if after expiration of session of legislature, bill is rejected or 15 days expires without return, bill is not subject to the action of the governor, Const. a. 12, § 2, p. 83; L. 1895, chs. 1, 9, pp. 3010-13.

4. GENERAL CITY LAWS; commission to propose for cities of second class, L. 1895, ch. 548, p. 3052; of third class, ch. 1011, p. 3117.

5. MAYORS are magistrates, Crim. Code, § 147; may administer oaths, Civ. Code, § 842; may take acknowledgments, R. S., p. 1832, § 4; may solemnize marriages, R. S., p. 1891, § 8; may, by proclamation, change place of meeting of courts, Civ. Code, § 42; shall appoint civil service examiners and prescribe rules, L. 1883, ch. 354, § 3, p. 2581; may license pawnbrokers in cities of over 200,000, L. 1883, ch. 339, § 1, p. 2571; may call out militia in case of insurrection or breach of peace, Mil. Code, § 162, p. 544; Crim. Code, § 111; to order riotous armed crowds to disperse, Crim. Code, § 106; may order police to attend public meetings, § 101.

6. RECORDERS are magistrates, Crim. Code, § 147; may administer oaths, Civ. Code, § 842; may take acknowledgments, R. S., p. 1832, § 4; may solemnize marriages, R. S., p. 1891, § 8; is authorized to hold court of special sessions, Crim. Code, § 63; may call out militia, Crim. Code, § 111.

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7. CITY OFFICERS, GENERALLY; CIVIL SERVICE; all city officers to be elected by electors of the city, or appointed by such authorities thereof as legislature may designate, Const. a. 10, § 2, p. 80; elections of officers of cities of first or second class, to be held at general elections in each odd numbered year, and office to expire at the end of an odd numbered year; terms of officers elected before Jan. 1, 1895, extended and abridged accordingly, Const. a. 12, § 3, p. 83; appointments and promotions in civil service of cities to be made according to merit and fitness to be ascertained, as far as practicable, by competitive examinations, except preferences to veterans; mayors to classify service and make regulations, subject to approval of state board; inspectors of election and poll clerks to be exempt from examination, and to be bipartisan; officers appointed in violation of civil service law, not to be paid salary, Const. a. 5, § 9, p. 61; a. 2, § 6, p. 38; L. 1883, ch. 354, §§ 7-13, pp. 2580-4; L. 1884, ch. 357, p. 2577; L. 1884, chs. 410, 312, pp. 2616, 2608; city officer **INDIVIDUALLY INTERESTED IN CONTRACT**, he makes or takes part in making, is guilty of misdemeanor, Pen. Code, § 473; such contract voidable by city, L. 1843, ch. 57, § 2, p. 2068; mayor and common council are the **LOCAL AUTHORITIES** to consent to use of street for surface **RAILROADS**, Const. a. 3, § 18, pp. 51-2; R. R. L., §§ 91-3, pp. 1298-9; for gas pipes and electric wires, Trans. Corp. L., § 61, p. 1354; pipe-lines, § 46, p. 1349; **BOARD or COMMITTEE** may subpoena and compel attendance of witnesses, Civ. Code, §§ 842, 854-9; **ALDERMEN**, duties of supervisors may be devolved upon, Const. a. 3, § 26, p. 54; are fence viewers, Town L., § 134, p. 761; may solemnize marriage, R. S., p. 1891, § 8; may summarily punish profane swearing, R. S., p. 1769, §§ 61-2; may order disturber of religious meeting into custody, R. S., p. 1770, § 67; **COMMISSIONERS OF DEEDS**, so many as common council may determine, to be appointed, except in N. Y. city, Ex. L., § 86, p. 386; **FIRE DEPARTMENT** to receive tax on foreign fire ins. cos., Ins. L., § 133, p. 1191; **FIREMEN** to receive certificates for free passage on street cars, and to have free use of telephone and telegraph for official purposes, L. 1895, ch. 417, p. 3046; **BOARDS OF HEALTH** in, Pub. H. L., §§ 20-32, pp. 794-804; board of examiners of **PLUMBERS**, L. 1892, ch. 602, p. 2877; **POLICEMEN**, to receive certificates for free passage on street cars, and free use of telephone and telegraph for official service, L. 1895, ch. 417, p. 3046; are peace officers, Crim. Code, § 154; **POLICE MATRONS** to be appointed and station-houses for women to be provided, L. 1888, ch. 420, pp. 2734-7; **SUPERVISORS** in cities, except New York

and Brooklyn, to hold office for two y'rs, L. 1893, ch. 344, p. 2919.

8. FINANCES; DEBTS not to be incurred nor money nor property given, except for city purposes and support of its poor; in cities of over 100,000, indebtedness not to exceed five per cent., and in other cities not to exceed 10 per cent. of valuation; one year's income may be anticipated by revenue certificates; water bonds not included in limitation, Const. a. 8, §§ 10, 14, pp. 75-6; Gen. Mun. L., § 2, p. 580; may pay money to private charitable institutions, L. 1895, ch. 754, p. 3087; may lease rooms in city buildings to G. A. R., Gen. Mun. L., § 26, p. 591; report of indebtedness and valuation of cities to be transmitted annually to comptroller, Co. L., § 52, p. 613; may borrow money, for cemetery purposes, L. 1870, ch. 760, pp. 2321-2; for bridges, L. 1892, ch. 209, pp. 2839-42; may condemn property for city purposes, Gen. Mun. L., § 22, p. 589; Civ. Code, §§ 3357-82; **BONDS** of city must be issued for specific object and by two-thirds vote; how issued, contents of and by whom signed, Mun. Corp. L., §§ 4-8, pp. 582-3; registry of, and conversion of coupon to registered; defects which do not invalidate, §§ 9-11, pp. 584-5; may be bought as an investment for trust funds, L. 1889, ch. 65, p. 2747; railroad bonds are to be paid through co. treas.; cancellation or purchase of such bonds, Mun. Corp. L., § 12, p. 585.

9. LIABILITY of CITY, for damages by mob or riot, Gen. Mun. L., § 21, p. 589; for personal injury from negligence, only in case notice filed within six mos., and action commenced within one year after cause of action accrues, L. 1886, ch. 572, p. 2686; taxpayer's action to restrain waste, Civ. Code, §§ 1925-8; L. 1881, ch. 531, pp. 2530-1; city emptying sewage into river, liable for damages to other cities which do not, L. 1892, ch. 235, p. 2843.

10. Cities of first class may contract with gas and electric lighting corporations, for LIGHTING, L. 1895, ch. 990, p. 3116; any city may contract with water-works corporation for **WATER SUPPLY**, Trans. Corp. L., §§ 80-2, pp. 1359-61; with owners of apparatus for disposal of **SEWAGE**, L. 1894, ch. 667, p. 2982.

11. Free public BATHS, must be maintained in cities of first and second class; may be in other cities, L. 1892, ch. 473, p. 2868; free public libraries in, Univ. L., § 36, p. 1490; Gen. Mun. L., § 24, p. 590.

12. FOREIGN FLAGS, not to be displayed on public building of, except upon proclamation to welcome foreign guest, L. 1895, ch. 36, p. 3014.

13. ORDINANCES, how read in evidence Civ. Code, § 941.

See Municipal Corporations; Public Officers.

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CITIZENS.

1. Rights of citizens in respect to liberty and property, Const. a. 1, §§ 1, 6, pp. 26, 28; R. S., pp. 1649-51; to hold land, R. S., p. 1784.

2. Protected from discrimination in enjoyment of public accommodations and amusements without regard to color, race or creed, L. 1895, ch. 1042, p. 3123; Pen. Code, § 333.

CIVIL ACTIONS.

See Actions.

CIVIL DAMAGE ACT.

For recovery of damages caused by intoxication, Exc. L., § 40; L. 1873, ch. 646; L. 1892, ch. 403, § 2, pp. 1643-4.

CIVIL DEATH.

On conviction of outlary, Crim. Code, § 819; Pen. Code, § 710; on sentence to life imprisonment, Pen. Code, § 708.

CIVIL RIGHTS.

See Bill of Rights; Citizens.

CIVIL SERVICE.

All appointments and promotions in civil service of state and of all the civil divisions thereof, including cities and villages, to be made according to merit and fitness, to be ascertained so far as practicable by competitive examinations, except as to preferences to veterans, Const. a. 5, § 9, p. 61; L. 1883, ch. 354, pp. 2575-86; L. 1884, chs. 312, 410, pp. 2608, 2616; election officers also exempt, L. 1884, ch. 357, p. 2577; New York civil service commission established; appointment, powers and duties of commissioners, and of state officers in relation to civil service; governor to prepare rules as to state, and mayors as to cities; classification of positions; examinations; recommendations and promises of public officers regulated; political assessments prohibited; no salary to be paid when appointment in violation of civil service law and rules, etc., L. 1883, ch. 354, pp. 2575-86.

See Civil Service Commission.

CIVIL SERVICE COMMISSION.

1. APPOINTED by governor and confirmed by senate; to hold no other official place, L. 1883, ch. 354, p. 2575; are state officers, Pub. Off. L., § 2, p. 325; to be ELIGIBLE must be of full age, citizens of U. S., and residents of state, Pub. Off. L., § 3, p. 325 (see under Pub. Off. convictions which disqualify); HOLD OVER until successor appointed and qualify, § 5, p. 326; official oath must be taken and filed with sec'y of state within 15 days after appointment or office forfeited; form of oath and by whom administered, §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84;

L. 1883, ch. 354, § 17, p. 2586; assuming duties without oath forbidden, but official acts valid, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332 (for convictions which work forfeiture, see Public Officers); RESIGNATION must be in writing addressed and delivered to governor, § 21, p. 334; REMOVED by senate on recommendation of governor, §§ 22, 25, pp. 335-6; VACANCIES in office, how created, § 20, p. 333; how filled, § 28, p. 338; L. 1883, ch. 354, §§ 1, 17, pp. 2575, 2586; SALARY and expenses, §§ 1, 17, pp. 2575, 2586.

2. POWERS and DUTIES; to aid the governor in preparing rules for civil service examinations and promotions; to have control of and supervise examinations; to investigate force and effect of rules; to report annually to legislature, L. 1883, ch. 354, § 2, pp. 2576-7.

3. To employ chief examiner and other subordinates; their salary, powers and duties, and designate boards of examiners, § 3, p. 2578.

4. To keep a record of all employes of state and certify to comptroller those lawfully appointed, § 7, p. 2580; to specially certify names of veteran applicants, L. 1884, ch. 410, p. 2616.

5. To approve or reject civil service rules adopted by cities, L. 1883, ch. 354, § 8, p. 2582; majority is quorum; to inquire into civil service of state and report legislation needed, § 15, p. 2585; to be provided with suitable apartments in public buildings, § 4, p. 2579.

6. May subpoena and compel attendance and testimony of witnesses, § 16, p. 2585.

7. Certain misconduct in respect to examinations by commission or employes is a misdemeanor, § 5, p. 2579.

CLAIMS, BOARD OF.

1. Consists of three commissioners appointed by governor and confirmed by senate, L. 1883, ch. 205, p. 2559; are state officers, Pub. Off. L., § 2, p. 325; to be eligible must be of full age, citizens of U. S., residents of state, and two must be attorneys, § 3, p. 325; L. 1883, ch. 205, § 1, p. 2559 (see under Public Officers, convictions which disqualify); term of office of each member, six years, expiring June 1st; hold over until successors appointed and qualify, § 1, p. 2559; Pub. Off. L., § 5, p. 326; salary, \$5,000, and \$500 expenses, L. 1883, ch. 205, § 1, p. 2560; must file OFFICIAL OATH with sec'y of state within 15 days or office forfeited, § 1, p. 2560; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; entering upon duties without filing oath is misdemeanor, but does not invalidate acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332 (as to convictions which work forfeitures, see Public Officers); RESIGNATIONS must be in writing, addressed and de-

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livered to governor, Pub. Off. L., § 31, p. 334; removed by governor on presenting charges, L. 1883, ch. 205, § 1, p. 2560; Pub. Off. L., § 25, p. 336; VACANCIES in office, how created, Pub. Off. L., § 20, p. 333; how filled, § 28, p. 338; L. 1883, ch. 205, § 1, p. 2560.

2. Clerk and deputy, marshal and stenographer of board; their oaths, bonds, powers, duties, salaries and fees, L. 1883, ch. 205, § 2, p. 2560; Const. a. 13, § 1, p. 84; Pub. Off. L., § 9, p. 328; L. 1895, ch. 807; L. 1884, ch. 334, p. 2561.

3. Procedure, sessions, records, seal and evidence before, L. 1883, ch. 205, §§ 3-6, pp. 2561-3; JURISDICTION of claims by and against the state, §§ 7, 13, 16, pp. 2564-9; Canal L., § 37, and note, p. 431; L. 1884, ch. 336, p. 2613; for animals killed because of disease, Ag. L., § 68, p. 957; for proceeds of escheated lands, L. 1895, ch. 498, p. 3113.

4. Final awards; books and entries; practice on appeals from awards, L. 1883, ch. 205, §§ 8-11, pp. 2564-6; L. 1885, ch. 355, p. 2566; L. 1884, ch. 329, p. 2566.

CLERGYMEN.

May solemnize marriages; form of ceremony; duty to inquire as to right to contract; may examine parties under oath and reduce to writing, R. S., §§ 8-11, pp. 1891-2; to furnish certificate of marriage; when and where to be filed, R. S., §§ 13-18, pp. 1892-3; Pub. H. L., §§ 5, 22, pp. 790, 797; not to disclose confessions, Civ. Code, § 833.

See Religious Corporations.

CLERKS.

See County Clerks; Courts; Elections; Legislature; Towns, and various boards.

CLINTON COUNTY.

In fourth judicial district, L. 1847, ch. 241, p. 2094; in thirty-first senatorial district, Const. a. 3, § 3, p. 43; in twenty-third congressional district, L. 1892, ch. 295, p. 2850; is entitled to one assemblyman, Const. a. 3, § 5, p. 46; salary of judge and surrogate, Co. L., § 222, p. 653.

CLUBS.

See Membership Corporations.

COCK FIGHTING.

Forbidden, Pen. Code, §§ 664-5.

CODE.

1. OF CIVIL PROCEDURE; either of the two titles "The Code of Civil Procedure" or "Civil Code" may be used, Civ. Code, § 3344; Stat. Const. L., § 29, p. 117; not to be strictly construed, Civ. Code, § 3345; application and time of taking effect of different portions, §§ 3346-56; governor to appoint three members of the bar to examine and

report as to revision of Civil Code, L. 1895, ch. 1036, p. 3122.

2. OF CRIMINAL PROCEDURE; either of two titles may be used, "The Code of Criminal Procedure of the State of New York" or "Criminal Code," Crim. Code, § 1; Stat. Const. L., § 29, p. 117; is not retroactive, Crim. Code, § 954; definitions of terms in and actions to which it applies, §§ 958-63.

3. PENAL CODE; title and effect of, Pen. Code, §§ 1, 2; rules for construction, § 11; definition of terms used in, § 718; not to affect prior offenses, § 719.

4. MILITARY CODE, is ch. 16, General Laws, pp. 501-79.

COERCION.

Employer coercing employe to agree not to join labor organization, as condition of employment, punishable, Pen. Code, § 171a; of voters at elections, punishable, Pen. Code, § 41t.

See Duress.

COIN.

Forgery of; uttering of false; possession of counterfeit; advertising sale of counterfeit, forbidden; penalties, Pen. Code, §§ 511, 521, 526-7.

See Money.

COLLATERAL INHERITANCE TAX.

Act for, also designated Taxable Transfers Law, is L. 1892, ch. 399, pp. 2854-67.

See Taxable Transfers.

COLLATERAL WARRANTIES.

Are abolished, R. S., p. 1812, § 141.

COLLECTORS.

A. Town collectors.

1. FILLING and VACATING the office; one in each town to be elected annually, Town L., §§ 12, 24, sub. 2, pp. 727, 733; Const. a. 10, § 2, p. 80; are local officers, Pub. Off. L., § 2, p. 325; to be ELIGIBLE must be of full age, citizen of U. S. and elector of town, § 3, p. 325; Town L., § 50, p. 744 (for convictions which disqualify, see Public Officers); HOLD OVER after expiration of term until successor qualifies, Town L., § 12, p. 727; Pub. Off. L., § 5, p. 326; form, execution, effect and filing of BOND, Town L., § 66, p. 749; §§ 52-3, p. 745; OFFICIAL OATH must be taken and filed with town clerk within 10 days after notice of election or office forfeited; form of oath; what officers may administer; no fees to be charged therefor, Town L., §§ 51, 56, 39, pp. 744, 746, 739; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289; entering upon duties of office without taking and filing oath and undertaking, a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub.

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Off. L., §§ 11-20, pp. 329-33 (for convictions which work **FORFEITURE**, see Public Officers); **RESIGNATION** must be in writing, addressed and delivered to town clerk, and may be accepted by three justices of the peace, Pub. Off. L., § 21, p. 334; Town L., § 64, p. 749; **VACANCIES** in office, how created and filled, Pub. Off. L., § 20, p. 333; Town L., § 65, p. 749; **FEES** figured by percentage, L. 1847, ch. 455, § 16, p. 1693; but on dog tax, fee is 10 per cent., Co. L., § 115, p. 629 (for collectors in counties of over 600,000 people, see Town L., §§ 220-36, pp. 779-85).

See Taxation.

B. School district collectors.

3. **FILLING** and **VACATING** the office; one in each school district elected annually at school meeting, Consol. Sch. L., p. 1530, sub. 4; p. 1537, § 22; is a local officer, Pub. Off. L., § 2, p. 325; to be **ELIGIBLE** must be able to read and write, not a school commissioner, trustee or supervisor, a resident, and qualified to vote at school meeting, Consol. Sch. L., p. 1537, §§ 22, 23; **HOLD OVER** after expiration of term until successor qualifies, p. 1537, § 24; Pub. Off. L., § 5, p. 326; form and amount of **BOND**; to be approved by trustees and filed with town clerk, Consol. Sch. L., p. 1557, § 80; **OFFICIAL OATH** must be taken and filed, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289; entering upon duties without taking and filing oath and bond is misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., §§ 11-20, pp. 329-33; and failure to qualify forfeits \$5, Consol. Sch. L., § 33, p. 1539; **VACANCIES** in office, created by removal, refusal to perform duty, or to file bond; filled by trustees, Consol. Sch. L., pp. 1538, 1539, §§ 28, 31, 33; Pub. Off. L., § 20, p. 333; **RESIGNATION** must be in writing addressed and delivered to and accepted by school commissioner and filed with district clerk, Consol. Sch. L., p. 1539, § 33; **FEES** are figured by percentage on collections, p. 1559, § 81.

(For powers and duties of town, village and school district collectors, see Taxation.)

C. Collector of property of decedent.

4. Temporary administrators, appointments and duties, Civ. Code, §§ 2668-83.

D. Village collectors.

2. **FILLING** and **VACATING** the office; one in each village to be elected annually on third Tuesday of March, L. 1870, ch. 291, pp. 2270, 2272; Const. a. 10, § 2, p. 89; are local officers, Pub. Off. L., § 2, p. 325; to be **ELIGIBLE** must be of full age, citizen of U. S. and elector of village, L. 1870, ch. 291, p. 2271; Pub. Off. L., § 3, p. 325; **HOLD OVER** after expiration of term until suc-

cessor qualifies, § 5, p. 326; L. 1870, ch. 291, § 5, p. 2270; form, execution and filing of **BOND**, § 8, p. 2271; **OFFICIAL OATH** must be taken and filed with village clerk within five days after notice of election or office forfeited, §§ 7, 12, pp. 2271-2; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289; entering upon duties without taking and filing oath is misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., §§ 11-20, pp. 329-33; **RESIGNATION** must be in writing addressed and delivered to village clerk, Pub. Off. L., § 21, p. 334; **VACANCIES** in office, how created and filled, L. 1870, ch. 291, §§ 8, 10, p. 2271; Pub. Off. L., § 20, p. 333; **FEES** figured by percentage on collections, L. 1870, ch. 291, § 6, p. 2298.

See Taxation.

COLLEGE LAND SCRIP FUND.

Acceptance by state of act of Congress, donating the lands, from which the fund was established, L. 1863, ch. 20, pp. 2295-6; acceptance by state comptroller of scrip issued by U. S. authorities for such lands, authorized, L. 1863, ch. 460, § 1, p. 2299; sales of such scrip authorized and regulated; proceeds of sales devoted to establishment of the two funds, "the college land scrip fund," which has been transferred to the general fund, and annuity certificates issued to Cornell University in lieu thereof, and "the Cornell endowment fund," which was transferred absolutely to Cornell Univ., L. 1863, ch. 460, §§ 2-6; L. 1866, ch. 481, pp. 2210-12; L. 1880, ch. 317, p. 2475.

See Cornell University.

COLLEGE OF ELECTORS.

Of president and vice-president of U. S.
See Electoral College.

COLLEGES.

1. **DEFINITION** of term; includes universities, Univ. L., § 2, p. 1475; assuming the name college without authority, is a misdemeanor, § 33, p. 1487.

2. **INCORPORATION**; can be incorporated under general law only by **CHARTER** from regents, Univ. L., §§ 27, 32, pp. 1485-6; which is a certificate of incorporation, Gen. Corp. L., § 3, p. 975; provisional charter may be issued, Univ. L., § 28, p. 1485; conditions of incorporation, § 32, p. 1486; charter may contain any provision not exempting trustees from obligation imposed by law, Gen. Corp. L., § 10, p. 978; qualifications of **INCORPORATORS**, Gen. Corp. L., § 4, p. 975; **NAME** not to be similar to that of existing corporation, Gen. Corp. L., § 6, p. 976; may be changed by regents, Univ. L., § 29, p. 1485; or by the court, Civ. Code, §§ 2411-17; number and qualifications of **TRUSTEES** or directors, Univ. L., §§ 2, 27, pp. 1476, 1485;

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Gen. Corp. L., §§ 3, 29, pp. 975, 987; charter must be FILED in offices of secretary of state, county clerk and regents, and fees therefor paid, Univ. L., § 27, p. 1485; Gen. Corp. L., § 3, sub. 7, § 5, pp. 975-6; fees of secretary of state, \$10, and 15 cents per folio, Exec. L., § 26, p. 370; of county clerk, six cents and 10 cents per folio, Civ. Code, § 3304; if a STOCK CORPORATION, CHARTER may provide for preferred stock, Stock Corp. L., § 47, p. 1021; for cumulative voting, Gen. Corp. L., § 20, p. 983; for holding stock of other corporations, Stock Corp. L., § 40, p. 1017; organization tax of one-eighth of 1 per cent. on capital stock must be paid before filing, Gen. Corp. L., § 5, p. 976; L. 1886, ch. 143, p. 2664.

3. NEW CHARTER for college already incorporated, Univ. L., § 30, p. 1486.

4. CHARTER MAY BE CHANGED by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, may be amended, Univ. L., § 29, p. 1485; Gen. Corp. L., § 7, p. 977; corporate existence therein specified, may be extended, Gen. Corp. L., § 32, p. 988; replacing LOST or DESTROYED charter, § 8, p. 977; charter as EVIDENCE of incorporation and of facts recited, § 9, p. 978; certified copy as evidence, Civ. Code, §§ 933, 957-9.

5. Must commence operations within two years or charter forfeited, Gen. Corp. L., § 31, p. 988.

6. CORPORATE POWERS are only such as given by law or necessarily implied. Gen. Corp. L., § 10, p. 978; powers, generally, Gen. Corp. L., § 11, p. 978; may be prescribed by regents, Univ. L., § 29, p. 1485; may SUE and BE SUE in like cases as natural persons, Const. a. 8, § 3, p. 74; has PERPETUAL SUCCESSION for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; may adopt and alter CORPORATE SEAL, § 11, sub. 2, p. 978; if none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may construct water system; condemn land for same; and for sewer system, L. 1895, ch. 630, pp. 3082-3; may hold and transfer PROPERTY, Univ. L., § 34, pp. 1488-9; Gen. Corp. L., §§ 11-14, pp. 978-80; in excess of amount limited by its charter or by previous laws, § 11, p. 979; L. 1889, ch. 191, p. 2747; Univ. L., § 34, p. 1489; may take property in trust for certain objects, L. 1840, ch. 318, p. 2060; L. 1841, ch. 261, p. 2061; if trust fund be diminished, income may accumulate until it is restored, L. 1855, ch. 432, p. 2154; BY-LAWS may be made by trustees, Gen. Corp. L., §§ 11, 29, pp. 978, 987; Univ. L., § 34, sub. 10, p. 1490; number and qualifications of trustees, Univ. L., § 34, p. 1488; Stock Corp. L., § 20, p. 1009; vacancies in trustees, how created and filled; executive committee, Univ. L., § 34, p. 1488; meetings and general powers of trustees,

Univ. L., § 34, p. 1487; Gen. Corp. L., § 29, p. 987; elections may be summarily reviewed by court, Gen. Corp. L., § 27, p. 986 (if a stock corporation, see, also, Stock Corp. L., pp. 1003-27).

7. DEGREES; conferring degrees without permission from regents, and counterfeiting such degrees is felony, Univ. L., § 33, p. 1487; permission not to be granted unless institution has certain resources, § 32, p. 1486.

8. DISSOLUTION of colleges, by regents, Univ. L., § 30, p. 1486; or if a stock corporation, by vote of stockholders, L. 1889, ch. 25, p. 2743; but not by the court, Civ. Code, §§ 1804, 2431.

See, also, Corporations; Stock Corporations.

9. EXEMPTIONS from TAXATION; building, lot and furniture, R. S., p. 1677; real property, L. 1893, ch. 498, p. 1678; stocks and personal property exempt; exempt from transfer tax law, L. 1882, ch. 409, p. 2556; L. 1889, ch. 191, p. 2747; Stat. Const. L., § 32, p. 119.

10. Use of CARDS, dice or gambling apparatus in buildings or on grounds forbidden, Pen. Code, § 336; HAZING in, a misdemeanor, L. 1894, ch. 265, p. 2859; SALOON not to be licensed within 200 feet of, Exc. L., § 43, p. 1645; teachers in, exempt from JURY duty, Civ. Code, § 1030.

11. Is subject in its educational features to the regents, Univ. L., §§ 4, 24-6, pp. 1476, 1483-4.

See Medical Colleges.

COLORED PERSONS.

Discrimination on account of color in enjoyment of public accommodations, forbidden, L. 1881, ch. 400, p. 2527; subjects extended covering also jury duty, L. 1895, ch. 1042, p. 3123; discrimination by use of word "white" in statutes, abolished, L. 1873, ch. 186, p. 2335.

COLUMBIA COUNTY.

Is in third judicial district, L. 1847, ch. 241, p. 2094; is in twenty-fourth senatorial district, Const. a. 3, § 2, p. 43; in nineteenth congressional district, L. 1892, ch. 295, p. 2850; is entitled to one member of assembly, Const. a. 3, § 5, p. 46; salary of county judge and surrogate, Co. L., § 222, p. 653.

COMMANDER-IN-CHIEF.

1. Is the governor, Const. a. 4, § 4, p. 55.
2. DUTIES AND POWERS; may change organization of militia and in event of war increase number, Mil. Code, § 10, p. 505; appoint officers in first instance, § 12, p. 506; appoint staff and assistants and chief officers and examining boards, and issue all commissions, §§ 30-52, pp. 516-8; Const. a. 11, §§ 4, 6, p. 82; make other appointments to fill vacancies, Mil. Code, § 54, p. 519;

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organize regiments of separate companies, or signal corps, §§ 17-8, p. 508; prescribe rules for appeals from elections and decide same, § 58, p. 521; accept resignation of commissioned officer or assign to other commands, or order before board for examination, or retire officer after 10 years' service, §§ 83-4, p. 525; order annual inspection and muster, § 140, p. 539; may order five days' annual encampment, § 143, p. 540; offer brigade and state prize for rifle practice, § 194, p. 555; power in case of invasion or riot, § 160, p. 543; may order courts of inquiry, general court-martial or delinquency courts, §§ 211-13, p. 557; to prescribe rules and regulations for government of militia, § 261, p. 572.

See, also, Militia.

COMMERCIAL AGENTS.

May take acknowledgments in foreign countries, L. 1862, ch. 246, p. 1835.

COMMERCIAL FERTILIZERS.

Shall have printed on packages analysis of contents and name of manufacturers; manufacturers to furnish lists of goods and samples to state agricultural station; analysis to be made; penalty for violation. L. 1890, ch. 437, p. 2813.

See Fertilizers.

COMMISSARY-GENERAL.

Is a member of staff of commander-in-chief; appointed and commissioned by governor, Mil. Code, §§ 30, 50-1, pp. 509, 517; Const. a. 11, § 4, p. 82; duties, Mil. Code, § 37, p. 513.

See Militia.

COMMISSION.

1. To take testimony IN CIVIL ACTIONS in courts of record, Civ. Code, §§ 887-920, 2305-15, 3251; in surrogates' courts, § 2538; in justices' courts, §§ 2980, 3325; IN CRIMINAL PROCEEDINGS; defined; when to be issued; application for; trial to be stayed until return; interrogatories; execution and return of commission; what objections may be taken, Crim. Code, §§ 638-57; as to SANITY of indicted person, §§ 658-62; L. 1874, ch. 446, p. 2360.

2. In contested legislative election cases, may be appointed by legislature to take testimony, Leg. L., § 60, p. 354.

3. Of public officer; by whom issued, Pub. Off. L., § 8, p. 327.

4. Of military officers; issued by commander-in-chief, Mil. Code, § 50, p. 516.

(Commissions of executors and administrators, treasurers, etc., see titles of various officers.)

COMMISSION MERCHANTS.

Must receipt and account for goods; penalty for neglect, L. 1892, ch. 656, p. 2803.

COMMISSIONER OF AGRICULTURE.

1. FILLING AND VACATING THE OFFICE; APPOINTED by governor with advice and consent of senate, Ag. L., § 2, p. 942; is state officer, Pub. Off. L., § 2, p. 325; to be ELIGIBLE to office must be of full age, resident of state and citizen of U. S., § 3, p. 325 (see under Public Officers, convictions which disqualify); TERM of office three years, and HOLDS OVER until successor qualifies, Ag. L., § 2, p. 942; Pub. Off. L., § 5, p. 326; SALARY, \$4,000, and expenses not exceeding \$500, Ag. L., § 2, p. 942; must take OFFICIAL OATH and file with sec'y of state within 15 days after notice of appointment or office forfeited, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; taking office without taking and filing oath is misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332; REMOVABLE by senate on recommendation of governor, Pub. Off. L., §§ 22, 25, pp. 335-6; RESIGNATION must be in writing addressed and delivered to governor, Pub. Off. L., § 21, p. 334 (for convictions which work forfeiture of office, see Public Officers); VACANCIES in office, how created and filled, Pub. Off. L., §§ 20, 28, pp. 333, 338.

See, also, Public Officers.

2. POWERS AND DUTIES; may appoint assistants, clerks, etc.; has access to all places used in manufacturing dairy products or imitations, and power to open all packages thereof; may appoint expert butter and cheese makers; shall prescribe regulations for use of brands for cheese, and county trade-marks, Ag. L., §§ 3-5, pp. 942-3; §§ 33-5, pp. 952-3; order PROSECUTIONS for violations of Ag. L.; conduct of prosecutions and disposition of fines, Ag. L., §§ 6-12, pp. 943-6; to QUARANTINE ANIMALS having infectious diseases and order destruction thereof, §§ 60-70, pp. 955-8; to appoint agents to destroy BEE AND TREE DISEASES, §§ 80-4, pp. 959-61; to have supervision of AG. EXPERIMENT STATION, and STATE WEATHER BUREAU, §§ 85-6, pp. 961-5; to apportion and disburse state moneys among AGRICULTURAL SOCIETIES, §§ 88-90, pp. 966-9; to make ANNUAL REPORT to legislature, Ag. L., § 5, p. 943.

COMMISSION OF THE BATTLEFIELDS OF GETTYSBURG, ETC.

Creation and duties, L. 1895, ch. 317, p. 3030.

COMMISSIONERS OF CAPITOL.

See Capitol Commissioners.

COMMISSIONERS OF CANAL FUND.

1. Are the lieut.-gov., sec'y of state, comptroller, treasurer and attorney-general, Const. a. 5, § 5, p. 60.

COMRS. OF CANAL FUND—COMMISSIONERS OF LAND OFFICE. 63

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2. Shall superintend and manage canal fund; recommend to legislature measures for its investment, and report annually to legislature, R. S., p. 1664, §§ 4-5; may borrow money on credit of state for canal fund after advertising, R. S., p. 1665, § 9; amount limited, Const. a. 7, § 4, p. 71; L. 1848, ch. 215, p. 1665; may allow claims of canal officers for moneys paid to satisfy judgments recovered against them, Canal L., § 36, p. 430.

COMMISSIONERS OF DEEDS.

1. **WITHIN THE STATE**; common council of any city except New York, may appoint such number as it determines, Ex. L., § 86, p. 386; to be **ELIGIBLE** to office must be of full age, citizen of U. S., resident of state and of city, Pub. Off. L., § 2, p. 325 (for convictions which disqualify, see Public Officers); **TERM OF OFFICE** two years; do not **HOLD OVER**, Ex. L., § 86, p. 386; Pub. Off. L., § 5, p. 326; **FEES**, Ex. L., § 89, p. 388; **OFFICIAL OATH** must be filed with county clerk within 15 days after notice of appointment or office forfeited; form of oath; what officers may administer, Pub. Off. L., §§ 10, 13, 15, 20, pp. 328, 331-3; Const. a. 13, § 1, p. 84; Ex. L., § 87, p. 386; performing duty without filing oath is misdemeanor, but does not invalidate acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332.

2. **POWERS**; may take acknowledgments and administer oaths, Ex. L., §§ 86, 88, pp. 386-7; Stat. Const. L., § 14, pp. 112-3; **COMMISSIONS** of; issued by council and filed with county clerk, Pub. Off. L., § 8, p. 327; **VACANCIES**; how created and filled, Pub. Off. L., § 20, p. 333; Ex. L., § 86, p. 386; **RESIGNATIONS** to be in writing, addressed and delivered to city clerk, Pub. Off. L., § 21, p. 334 (for convictions which forfeit office, see Public Officers).

3. **OUTSIDE THE STATE**; appointed by governor, Ex. L., § 87, p. 387; commission filed with sec'y of state, Pub. Off. L., § 8, p. 327; must take oath; before whom; file impression of seal, signature and oath with sec'y of state, Ex. L., § 87, p. 387; powers of, § 88, p. 387; fees, § 89, p. 388; resignation to be in writing, addressed and delivered to governor, Pub. Off. L., § 21, p. 334.

COMMISSIONERS OF EXCISE.

See Excise.

COMMISSIONERS OF FISHERIES, ETC.

See Fisheries, etc., Commissioners.

COMMISSIONERS TO ERECT HERKIMER MONUMENT.

Appointment and duties, L. 1895, ch. 618, p. 3076.

COMMISSIONERS OF HIGHWAY

See Highway Commissioners.

COMMISSIONERS OF LAND OFFICE.

1. Are lieutenant-governor, speaker of assembly, sec'y of state, comptroller, treasurer, attorney-general and state engineer, Const. a. 5, § 5, p. 60; quorum, organization and records, Pub. L., § 2, p. 392; may inquire into matters before them, take testimony and establish rules, § 9, p. 394; may administer oaths, subpoena and compel attendance of witnesses, Civ. Code, §§ 843, 854-9; receive no **COMPENSATION**, except that speaker receives expenses, § 2, p. 392; Const. a. 4, § 8; a. 5, § 1; a. 10, § 9; a. 3, § 6, pp. 57-8, 81-48.

2. With three state assessors, compose **BOARD OF EQUALIZATION**, L. 1859, ch. 312, p. 2171.

See Taxation.

3. Duties in regard to sale and lease of **SALT LOTS** on Onondaga reservation, Salt Sp. L., §§ 42-8, pp. 485-9; have care and superintendence of all **STATE LANDS**, generally; may direct repayment of sums received for lands to which title has failed, Pub. L. L., §§ 3-5, pp. 392-3; may direct action by attorney-general to partition lands in which state has joint ownership, § 6, p. 393; or to prosecute trespassers on state lands; may appoint agent to prosecute trespassers, §§ 16-17, pp. 396-7; may grant or lease certain **LANDS UNDER WATER**, §§ 70-1, pp. 408-9; may grant permission to **MINE** on state lands, § 84, p. 411; may fix terms for right to mine on private lands, § 85, p. 411; may grant right of way over state lands to domestic railroad corporation, R. R. L., §§ 8-9, pp. 1257-8; may confirm or rectify defective grant, Pub. L. L., § 10, p. 394; may fix time for performance of conditions of grant or for payment, § 13, p. 396; may direct surveys to be made by state engineer and sale at auction above minimum price of certain state lands, §§ 31-4, pp. 398-400; and may order resale of lands not paid for, §§ 36-9, pp. 401-2; shall not grant lands under special law unless applied for within one year, § 40, p. 402.

4. Have charge of all lands belonging to **CANAL FUND**, R. S., p. 1664, § 4; may sell abandoned **CANAL LANDS** giving preference to original owner, and release lands acquired without consideration, §§ 50-2, p. 403.

5. May release **ESCHEATED LANDS**, §§ 60-9, pp. 404-7.

6. With approval of governor shall hear and determine all questions relating to loans, moneys, treaties and contracts of **INDIANS**, Ind. L., § 13, p. 208; may require sheriff to report trespasses on **INDIAN LANDS**, and district attorney to prosecute, Pub. L. L., § 7, p. 393; and may grant railroad right of way over Indian lands, R. R. L., § 9, p. 1258; may receive and direct investment by comptroller of **INDIAN TRUST FUND**, Ind. L., § 14, p. 209.

64 COMMISSIONERS FOR LOANING—COMMISSIONERS OF PRISONS.

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COMMISSIONERS FOR LOANING MONEYS OF U. S. DEPOSIT FUND.

1. FILLING AND VACATING THE OFFICE; are state officers, Pub. Off. L., § 2, p. 325; governor to appoint two in each county with advice and consent of senate; TERM OF OFFICE two years and until successor qualifies, L. 1837, ch. 150, p. 2022; Pub. Off. L., § 5, p. 326; to be ELIGIBLE must be of full age, citizen of U. S., and resident of state and not a supervisor, Pub. Off. L., § 2, p. 325; L. 1838, ch. 58, p. 2022; OFFICIAL OATH must be taken and filed in office of comptroller within 15 days after appointment, or office forfeited, Pub. Off. L., § 11, p. 329; L. 1837, ch. 150, § 4, p. 2023; UNDERTAKING to be in amount fixed by comptroller, approved by co. clerk and two judges of com. pleas; form and conditions of; to be filed with comptroller, L. 1837, ch. 150, §§ 3, 20, pp. 2022, 2031; taking office without filing oath or undertaking is a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 232; RESIGNATION to be in writing, addressed to governor, § 14, p. 2928; REMOVABLE by governor after refusal to give security or after hearing for misconduct, § 13, p. 2028; Pub. Off. L., § 23, p. 335; VACANCY in office, how created and filled, Pub. Off. L., § 20, p. 333; L. 1837, ch. 150, §§ 13-14, p. 2028.

2. POWERS AND DUTIES; may sue and be sued in official name, L. 1837, ch. 150, §§ 5-6, p. 2023; duties in regard to drawing and loaning money, § 9, pp. 2023-5; limit on amounts loaned; duties in regard to re-loaning moneys paid in, §§ 10-12, 17, 28, pp. 2026-7, 2030, 2033; examination of land and titles, §§ 25-6, p. 2032.

3. FEES and disbursements in case of sale of lands or advertising, L. 1863, ch. 73, p. 2029; L. 1837, ch. 150, § 15, p. 2029; on interest collected, § 18, p. 2030.

4. FORECLOSURE of mortgages by commissioners; redemption; execution of deeds, §§ 19, 30-40, pp. 2030, 2034-40; L. 1844, ch. 326, p. 2042.

5. Place and times of MEETINGS, L. 1837, ch. 150, §§ 24, 41, pp. 2032, 2041.

6. ACCOUNTS and records of commissioners, and examination and reports by supervisor, §§ 45-55, 58, pp. 2044-47, 2049; amount of INTEREST to be exacted by commissioners, § 27, p. 2033; form of mortgages and deed, §§ 56-7, pp. 2047-8.

COMMISSIONERS IN LUNACY.

1. FILLING and VACATING office; governor, by and with advice and consent of senate, appoints one physician, one lawyer, one layman; QUALIFICATIONS, TERMS OF OFFICE and SALARIES and EXPENSES, L. 1889, ch. 283, §§ 1-5, p. 2749; L. 1890, ch. 126, § 19, p. 2788; are state officers, Pub. Off. L., § 2, p. 325; HOLD

OVER until successors qualify, § 5, p. 326; OFFICIAL OATH must be taken and filed within 10 days after notice of appointment or office forfeited, but acts valid, L. 1889, ch. 283, § 5, p. 2749; Pub. Off. L., §§ 10-20, pp. 329-33; Pen. Code, §§ 42-3; Const. a. 13, § 1, p. 84; RESIGNATION must be in writing, addressed to governor and takes effect on delivery to him, Pub. Off. L., § 21, p. 334; REMOVABLE by senate on recommendation of governor, Pub. Off. L., § 22, p. 335; VACANCY in office, how created and filled, Pub. Off. L., §§ 20, 31, pp. 333, 338; commissioners in office Jan. 1, 1895, continued for terms for which appointed; additional powers may be conferred, Const. a. 8, § 15, p. 78.

2. POWERS AND DUTIES; are members of board for establishment of ASYLUM DISTRICTS, L. 1890, ch. 126, p. 2780, § 1; are members of board to fix price of prison-made goods to state institution, R. S., p. 1972, § 107; may employ assistants, L. 1889, ch. 283, § 6, p. 2750; may keep official seal, administer oaths and enforce attendance and evidence of witnesses, §§ 13-14, p. 2754; Civ. Code, §§ 993, 954-7; shall investigate treatment or confinement of PATIENTS; require attorney-general to assist; and with approval of justice of supreme court, order change, L. 1889, ch. 283, § 13, pp. 2753-4; shall keep RECORD of all physicians empowered to issue and judges empowered to approve certificates of insanity; a record of all insane patients in the state with details of commitment, L. 1889, ch. 283, §§ 7-9, pp. 2750-1; also a record of all dismissals of employees from asylum, § 16, p. 2755; shall ascertain vacancies in any asylum and cause TRANSFERS from one hospital to another and from county to state care at state expense, L. 1890, ch. 126, §§ 3-9, pp. 2782-4; L. 1893, ch. 81, § 12, p. 2906; or may permit county to care for its own insane, L. 1889, ch. 283, § 20, p. 2755; shall VISIT and examine all asylums twice a year, L. 1889, ch. 283, §§ 10-11, 13, 15, pp. 2752-4; may license PRIVATE ASYLUMS, § 12, p. 2753; may regulate correspondence of insane, § 19, p. 2755; shall furnish to comptroller ESTIMATES of number of patients, cost of maintenance and of new buildings, L. 1890, ch. 126, § 12, p. 2786; and shall make annual report to legislature, L. 1889, ch. 283, § 18, p. 2755.

See Insane.

COMMISSIONERS OF QUARANTINE.

See Quarantine Commissioners.

COMMISSIONERS OF PALISADES.

Appointment and duties, L. 1895, ch. 97, p. 3024.

COMMISSIONERS OF PRISONS.

See Prison Commissioners of Prisons.

COMRS. OF RAILROADS—COMRS OF STATUTORY REVISION. 63

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COMMISSIONERS OF RAILROADS.

See Railroad Commissioners.

COMMISSIONERS TO REPORT GENERAL CITY LAWS.

Appointment and duties, for cities of second class, L. 1895, ch. 548, p. 3052; for cities of third class, L. 1895, ch. 1011, p. 8117.

COMMISSION TO REVISE CODE.

Appointment and duties, L. 1895, ch. 1036, p. 3122.

COMMISSION TO REVISE LEGISLATIVE PROCEEDINGS.

Appointment and duties, L. 1895, ch. 1025, p. 3118.

COMMISSIONERS FOR UNIFORM LEGISLATION.

Appointment and duties, L. 1890, ch. 205, p. 2793.

COMMISSIONERS OF SCHOOLS.

See School Commissioners.

COMMISSIONER OF STATE RACING.

See Racing Commission.

COMMISSIONER OF SHELLFISH.

See Shellfish Commission.

COMMISSIONERS OF STATE RESERVATION AT NIAGARA.

1. FILLING AND VACATING the office; are state officers, Pub. Off. L., § 2, p. 325; five in number appointed by governor with consent of senate; TERM of office is five years, Pub. L. L., § 90, p. 412; HOLD OVER after expiration of term, Pub. Off. L., § 5, p. 326; to be ELIGIBLE must be of full age, citizen of U. S., and resident of state, Pub. Off. L., § 3, p. 325; no SALARY, but expenses are paid, Pub. L. L., § 90, p. 412; must take OFFICIAL OATH and file with sec'y of state within 15 days after notice of appointment, Pub. Off. L., §§ 10, 13, 15, 20, pp. 329, 331-3; Pen. Code, §§ 42-3; RESIGNATIONS must be in writing, addressed and delivered to governor and take effect on delivery to him, Pub. Off. L., § 21, p. 334; REMOVABLE by the senate on recommendation of governor, Pub. Off. L., §§ 22, 25, pp. 334, 335; VACANCY in office, how created and filled, §§ 20, 28, pp. 333, 338.

2. POWERS and DUTIES; shall appoint a president and treasurer, Pub. L. L., § 91, p. 412; have management of Niagara reservation; make regulations and pass ordinances, Pub. L. L., § 92, pp. 412-3; violation of ordinances is misdemeanor, L. 1895, ch. 286, p. 2634; shall control all property received for such reservation; make annual

report to legislature, Pub. L. L., §§ 94-7, pp. 413-4.

COMMISSIONER OF STATISTICS OF LABOR.

1. FILLING AND VACATING THE OFFICE; is a state officer, Pub. Off. L., § 2, p. 325; is APPOINTED by governor, by and with advice and consent of senate; TERM of office is three years from first Wednesday in April, after appointment, L. 1883, ch. 356, p. 2588, § 1; HOLDS OVER after expiration of term, Pub. Off. L., § 5, p. 326; to be ELIGIBLE to office, must be of full age, citizen of U. S., and resident of state, Pub. Off. L., § 3, p. 325; SALARY is \$2,500, and expenses, L. 1883, ch. 356, p. 2589, § 4; OFFICIAL OATH must be taken and filed with sec'y of state within 15 days after notice of appointment, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; entering upon duties of office without filing oath is misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332; RESIGNATION must be in writing, addressed and delivered to governor, and takes effect on delivery to him, Pub. Off. L., § 21, p. 334; REMOVABLE by the senate upon recommendation of governor, Pub. Off. L., §§ 22, 25, pp. 334-5; VACANCY in office; how created and filled, §§ 20, 28, pp. 333, 338.

2. DUTIES and POWERS; to collect and report annually to legislature statistical details of labor and productive industries in the state, L. 1883, ch. 356, p. 2588; may summon and examine persons; may inspect all factories and warehouses, Civ. Code, §§ 843, 854-9; L. 1883, ch. 356, p. 2589, § 3; disobedience to summons or refusal to answer questions or to admit to factories, is misdemeanor, § 3, p. 2589.

COMMISSIONERS OF STATUTORY REVISION.

1. FILLING AND VACATING THE OFFICE; three APPOINTED by the governor, with advice and consent of senate, L. 1889, ch. 289, § 1, p. 2757; are state officers, Pub. Off. L., § 2, p. 325; to be ELIGIBLE to office must be of full age, resident of state, and citizen of U. S., § 3, p. 325 (for convictions which disqualify, see Public Officers); TERM of office, until successor is appointed and qualifies, § 5, p. 325; MUST take OFFICIAL OATH and file with sec'y of state within 15 days after notice of appointment or office forfeited, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; taking office without taking and filing oath is misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332; REMOVABLE by senate on recommendation of governor, §§ 22, 25, pp. 335-6; RESIGNATION must be in writing, addressed and

66 COMMISSIONERS OF STATUTORY REVISION—COMPETENCY.

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delivered to governor, § 21, p. 334 (for convictions which work forfeiture of office, see Public Officers); VACANCIES in office, how created and filled, §§ 20, 28, pp. 333, 338; L. 1889, ch. 289, § 6, p. 2757.

See, also, Public Officers.

2. **POWERS and DUTIES**; to report revisions of statutes, L. 1889, ch. 289, p. 2757, §§ 2-3; L. 1890, ch. 313, p. 2758, and note; to republish colonial statutes, L. 1891, ch. 125, p. 2828; bills reported by them are not subject to certain restrictions as to special legislation, etc., Const. a. 3, § 23, p. 53; to draft or revise bills and render opinion on request of any member, committee or either house of the legislature; to report by bill such measures as they deem expedient, Leg. L., § 23, p. 349.

COMMITMENT.

1. Of **DEFENDANT** by magistrate on adjournment, Crim. Code, § 192; form of commitment, § 193; order of commitment after hearing, § 208; for crime, not bailable, § 209; form of commitment for trial or to grand jury, §§ 213-4; to jail in bastardy proceedings, § 852.

2. Of **WITNESSES** under 16, Crim. Code, § 217; Pen. Code, § 291, sub. 6; of witnesses refusing to give security for appearance, Crim. Code, § 218.

COMMITTEE.

Of lunatic, idiot or habitual drunkard; proceedings for appointment; general powers and duties, Civ. Code, §§ 2320-44; duties in regard to sale of real property, §§ 2345-64; sureties on bonds of, how relieved from liability, L. 1881, ch. 654, p. 2534; trust company may be appointed committee, Bank, L., § 156, p. 1103. To advertise for and pay claims, L. 1893, ch. 697, p. 2934.

COMMON CARRIERS.

See Carriers.

COMMON COUNCIL.

Of cities, see Cities.

COMMON GAMBLER.

Definition and punishment of, Pen. Code, § 344.

COMMON LAW.

1. To govern procedure of courts in absence of statutes, R. S., p. 1650, § 8; controls descent of property in cases not provided for, p. 1827, § 16.

2. Of foreign state; how proven, Civ. Code, § 942.

3. Rules of, as to documentary evidence, not superseded, § 962.

COMMON LANDS.

Powers of town meeting, respecting, Town L., § 24, p. 734.

COMMON SCHOOL FUND.

1. Capital shall remain inviolate; revenue to be applied to support of common schools; \$25,000 annually of the revenues of U. S. deposit fund to be added to capital, Const. a. 9, § 3, p. 79; with proceeds of sale of land to remain inviolate, R. S., p. 1666; \$500,000 added to capital fund, L. 1882, ch. 108, p. 1667.

2. To be invested in public stocks of state or U. S., or certain cities; rate of interest; contents of certificates, R. S., §§ 4-5, p. 1667; or in public securities of any mun. corp. of the state, L. 1887, ch. 245, p. 2699.

3. Interest on money in state treasury to be credited to fund at six per cent., L. 1849, ch. 382, p. 2112; income constitutes part of state school moneys; how divided and apportioned; to be used only in payment of teachers' salaries, Consol. Sch. L., §§ 4-18, pp. 1505-11.

See Schools.

COMMUTATION.

1. Of **HIGHWAY** labor, amount and how paid and reported, High. L., §§ 62, 69, pp. 689, 691.

2. Of **MILITARY** service, R. S., p. 1650, § 5.

3. Of **PRISON SENTENCE**; superintendent of prisons shall formulate rules governing commutation of sentences, L. 1886, ch. 21, p. 2659, §§ 4, 6; what commutation shall be allowed for good behavior on sentences of various lengths, §§ 1-3, pp. 2658-9; warden shall report his recommendations to governor, and prison board report to him their recommendations and allowance with reasons for withholding; governor may allow full amount; forfeiture of commutation for attempts to escape, and definitions of escape, §§ 7-10, pp. 2660-1; governor may grant allowance of commutations and may annex conditions, §§ 13-15, p. 2662; proceedings upon discharge and to whom law applies, §§ 17-19, p. 2663.

COMPENSATION.

1. For private property taken for public use, Const. a. 1, § 6, p. 28; R. S., p. 1651, § 13.

2. To **MUNICIPALITIES** for operation of street railroads, R. R. L., § 93, pp. 1300-3; for laying pipe-lines through streets, Trans. Corp. L., § 46, p. 1349.

See Condemnation; Damages.

3. **OFFICER** taking compensation for services not rendered, is guilty of misdemeanor, Pen. Code, §§ 50-1.

Of Public Officers, see their titles.

COMPETENCY.

Of witnesses, generally, Civ. Code, §§ 828-40; how determined in justices' courts, § 3005.

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COMPLAINT.

A. In criminal matters, see Information.
B. In civil actions in justices' court, Civ. Code, §§ 2936-7, 2940; verification of, and its effect, L. 1881, ch. 414, p. 2527.

C. In civil actions in courts of record.

1. When to be served, Civ. Code, §§ 419, 479; result of failure to serve, § 480; what it must contain, § 481; may demand both interlocutory and final judgment, § 482; what causes of action may be united in same complaint, § 484; must be separately stated and numbered, § 483; complaint must be folioed, Sup. Ct. Rule 19.

2. DISMISSAL of complaint is no bar to new action, unless judgment declares that it is rendered on the merits, Civ. Code, § 1209.

3. In particular actions; in actions to recover real property, §§ 1496, 1511; in partition, § 1542; to recover dower, § 1606; to foreclose mortgage, § 1629; to determine claims to real property, § 1639; in actions for damages for cutting trees, etc., § 1668; in replevin, § 1721; in actions by or against corporations, § 1775; if against foreign corporation, must allege residence of plaintiff, § 1780.

COMPOUNDING CRIME.

Defined; when a felony, and when a misdemeanor; penalty for, Pen. Code, §§ 125-6.

COMPROMISE.

Offer of, in justices' court, Civ. Code, § 2892; in courts of record, §§ 736-40.

COMPROMISE OF CRIMES.

What crimes may be compromised, Crim. Code, §§ 663, 666; proceedings to compromise, § 664; judgment a bar, § 665.

COMPULSORY EDUCATION.

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COMPUTATION.

Of time, Stat. Const. L., §§ 25-7, pp. 115-7; for publishing legal notice, Civ. Code, § 787; of weights and measures, L. 1851, ch. 134, pp. 2115-9; of money, R. S., pp. 1727-8.

COMPTROLLER.

1. FILLING AND VACATING OFFICE; is a state officer, Pub. Off. L., § 2, p. 325; to be ELECTED at general election biennially from 1898; TERM OF OFFICE three years, from Jan. 1, 1896, and thereafter two years commencing with Jan. 1st next after election, Const. a. 5, §§ 1-2, p. 58; does not HOLD OVER after expiration of term, Pub. Off. L., § 5, p. 326; Const. a. 5, § 1, p. 58; to be ELIGIBLE to office must be of full age, citizen of U. S., and resident of state, Pub. Off. L., § 3, p. 325 (for convictions which disqualify, see Public Officers); SALARY, \$6,000 and expenses, Ex.

L., § 30, p. 372; not to be increased or diminished during his term; to receive no fees or perquisites to his own use, Const. a. 5, § 1, p. 58; OFFICIAL OATH must be taken and filed with sec'y of state before or within 15 days after commencement of term, or office forfeited; form of oath; what officers may administer, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; entering upon duties of office without filing oath is a misdemeanor, but does not invalidate acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332 (for convictions which work forfeitures, see Public Officers); RESIGNATION must be in writing, addressed to legislature, and filed with sec'y of state, Pub. Off. L., § 21, p. 334; REMOVABLE by senate on recommendation of governor, Pub. Off. L., §§ 22, 25, pp. 334, 335; VACANCY in office, how created and filled, Pub. Off. L., §§ 20, 28, pp. 333, 338.

See, also, Public Officers.

2. EX-OFFICIO, is commissioner of land office and of canal fund, and member of canal board, Const. a. 5, § 5, p. 60; and of state board of canvassers, Elect. L., § 138, p. 318.

3. Shall appoint DEPUTIES, Ex. L., § 31, p. 372; R. S., § 18, p. 1656; L. 1895, ch. 13, p. 3013; FEES which he shall collect, Ex. L., § 32, p. 372; shall account for and pay to treasurer quarterly, § 71, p. 379; to make REPORTS to legislature, § 70, p. 379; FISCAL YEAR in office closes September 30th, L. 1831, ch. 320, p. 2011.

4. POWERS AND DUTIES; duties in relation to FISCAL AFFAIRS OF STATE; its accounts with other states and individuals; in auditing claims and drawing warrants on treasurer for their payment or reporting to legislature, R. S., § 1, pp. 1653-4; may require accounting from any person having state property; and examine under oath, §§ 2-3, p. 1654; may require settlement of accounts from debtors of state; time, method and effect of service of notice; proceedings if account and vouchers are not rendered or defective, §§ 19-32, pp. 1657-9; to audit and supervise accounts of state institutions, L. 1895, ch. 807, p. 3100; L. 1895, chs. 13, 932, pp. 3013, 3101; DUTIES in relation to treasurer's checks, bank-books and accounts, §§ 4, 6-8, pp. 1654-5; in relation to securities owned by state and interest and dividends thereon, §§ 5, 9, 11-17, pp. 1654-6; no money to be paid from treasury without his warrant, nor from bank without his check, R. S., §§ 5, 12, pp. 1662-3; may borrow to meet casual deficits, Const. a. 7, § 2, p. 70; may make temporary loans, R. S., p. 1655, §§ 11-12.

5. To regulate transmission of U. S. DEPOSIT FUND, L. 1843, ch. 44, p. 2067; may invest fund in certain securities, L. 1884, ch. 412, p. 2026; to prosecute loan commissioners when in default, L. 1837, ch. 150, § 52, p. 2046; may make loans to meet calls

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of U. S. on fund, § 59, p. 2049; to prescribe forms for loaning fund, § 62, p. 2050; to keep fund in separate account, § 63, p. 2050.

6. **MORTGAGES OWNED BY STATE;** collection, assignment or discharge of, R. S., §§ 33-41, pp. 1600-1; may invest public funds in public securities of any municipal corporation of the state, L. 1887, ch. 245, p. 2699; may issue new bond to replace lost bond on receiving security, L. 1857, ch. 721, p. 2163; duties in relation to land scrip received from U. S., L. 1863, ch. 460, p. 2209.

7. **CANALS;** to perform all duties of canal auditor; bureau of canal affairs created in his office, L. 1883, ch. 69, p. 2557; all papers relating to canals to be deposited in comptroller's office, L. 1832, ch. 296, p. 2012.

8. **TAXATION;** to determine from equalized assessment-roll amount of state tax due from each county and certify to supervisor; if supervisors neglect to assess same, comptroller shall compel by mandamus, L. 1859, ch. 312, §§ 8-9, p. 2173; to charge county treasurer with amount of state tax; statement to, and settlement of state taxes with counties and collection of arrears, L. 1855, ch. 427, §§ 9-32, pp. 2145-52; to purchase at tax sales lands in which state is interested, L. 1883, ch. 464, p. 2600; withdrawal from sale of land on which state has lien, L. 1893, ch. 711, p. 2940; may insert full description in tax-books in his office; his certificate of contents of such books is evidence, L. 1849, ch. 180, p. 2109; may compel supervisors to correct descriptions of nonresident lands, R. S., § 7, p. 1704.

9. **TAX SALES;** duties in relation to advertising and selling land for delinquent taxes in forest preserve counties, L. 1855, ch. 427, § 40, p. 2151; L. 1893, ch. 711, §§ 1-3, pp. 2938-40; issuing certificates of sale to purchaser or to people of state; redemption of lands in parcels or by joint owners; advertising lands not redeemed and issuing deeds to owners of certificates; to advertise vacant lands deeded to state; issue of certificate for occupied lands after notice by purchaser to occupant, L. 1893, ch. 711, §§ 5-16, pp. 2941-7; may set aside erroneous tax sales, §§ 20-1, p. 2049; not to be interested in sales, Pen. Code, § 48a.

10. **SCHOOL FUNDS;** to keep principal invested in state or municipal securities, R. S., p. 1667; L. 1849, ch. 382, p. 2112; L. 1887, ch. 245, p. 2699; not to sign warrant apportioning income until county has paid its school tax, Consol. Sch. L., p. 1504.

11. **CORPORATION TAXES;** to receive reports of dividends on or value of stock from officers of corporations, and as to capital employed within the state, L. 1880, ch. 542, §§ 1, 5-7, pp. 2493-9; if reports are not submitted or are not satisfactory may compel report and add penalty; to levy and

collect annual tax, §§ 2-3, pp. 2494-5; reports and taxation of insurance companies, § 5, pp. 2496-7; of transportation corporations, § 6, p. 2497; may examine books and witnesses in fixing rate of tax, §§ 12-13, pp. 2500-1; unless restrained by adverse decision on certiorari shall collect tax, §§ 17-20, pp. 2503-5; R. S., § 21, p. 1702; may employ assistance to discover delinquent corporation taxes on percentage of recoveries, L. 1886, ch. 266, p. 2505.

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CONCEALED WEAPONS.

Carrying with intent to injure, is a misdemeanor, Pen. Code, §§ 410-11.

CONCEALING BIRTH.

Or death of child forbidden, Pen. Code, § 296; penalty for second offense, § 693.

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Of lost treasure, a misdemeanor. Pen. Code, § 482; of property by insolvent debtor, a misdemeanor, § 589.

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How pleaded, Civ. Code, § 533.

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CONDITIONAL SALE.

1. Of railroad equipment and rolling stock; contract must be in writing, acknowledged and recorded in office of co. clerk or register; and car or locomotive must be labeled, L. 1883, ch. 383, pp. 2598-9.

2. Of other personal property; contract of, with delivery, becomes absolute as to subsequent purchasers in good faith, unless filed, L. 1884, ch. 315, §§ 1-2, p. 2609; where filed; void after one year unless renewed; duty and fees of clerks; how discharged, §§ 3-6, pp. 2610-11; certain articles exempt if duplicate contract made; regulation and notice for sale of such exempt articles, § 7, pp. 2611-12.

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CONFESSIONS.

1. Not to be disclosed by clergymen, Civ. Code, § 833.
2. Of defendant; when not to be used on trial; alone not sufficient to convict, Crim. Code, § 395; are sufficient to convict vagrant, § 901; disorderly person, § 891.

CONFESSION OF JUDGMENT.

1. IN COURTS OF RECORD; when and by whom to be made, Civ. Code, § 1273; by joint debtors, § 1278; when debt not all due, § 1277; necessary contents of verified statement, § 1274; clerk to enter judgment on filing of statement within three years, § 1275; judgment-roll and docket, § 1276.
2. IN JUSTICE'S COURT; for sum under \$500, Civ. Code, §§ 2864, 3010; defendant must personally appear; confession in writing; if over \$50 affidavit by plaintiff and defendant to be filed, §§ 3011-12.

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Members of, are not state officers, Pub. Off. L., § 2, p. 325; may not be members of legislature, Const. a. 3, § 8, p. 48; the 24 districts described, L. 1892, ch. 295, p. 2849; ELECTION in 1892 and every two years thereafter, Elec. L., § 160, p. 321; when special election, § 4, p. 240; RESIGNATION to be in writing, addressed to and filed with sec'y of state; notice of VACANCY to be sent by co. clerk to sec'y of state, § 160, p. 321.

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Boundary line, State L., § 2, pp. 121-4.

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Scruples of, in regard to bearing arms, to be respected, R. S., p. 1650, § 5; and liberty of, in respect to worship, p. 1650, § 9; Const. a. 1, § 3, p. 27.

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1. Age of, for marriage, R. S., p. 1890, § 2; in abduction, Pen. Code, § 282, sub. 1.
2. Of parties in taking testimony by commission, Civ. Code, § 908; by deposition, § 879; to reference, § 1011; not allowed in divorce, § 1012.

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What actions may be consolidated and when, Civ. Code, §§ 817-9; of actions by people, § 1989.

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CONSTABLES.

A. Town constables.

1. FILLING and VACATING the offices; not over five in each town; to be elected annually; number to be fixed at town meeting, Town L., §§ 12, 13, 24, sub. 1, pp. 727-8, 733; Const. a. 10, § 2, p. 80; are local officers, Pub. Off. L., § 2, p. 325; to be ELIGIBLE must be of full age, citizens of U. S., and elector of town, § 3, p. 325; Town L., § 50, p. 744 (for convictions which disqualify, see Public Officers); HOLD OVER after expiration of term until successor qualifies, Town L., § 12, p. 727; Pub. Off. L., § 5, p. 326; form, execution, effect and filing of BOND, Town L., § 66, p. 749; § 54, p. 746; town clerk punishable for not certifying to co. clerk names of constables qualifying, Pen. Code, § 161; OFFICIAL OATH must be taken and filed with town clerk within 10 days after notice of election or office forfeited; form of oath; what officers may administer; no fees to be charged therefor, Town L., §§ 51, 56, 39, pp. 744, 746, 739; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289; entering upon duties of office without taking and filing oath or undertaking, a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., §§ 11-20, pp. 329-33 (for convictions which work forfeitures, see Public Officers); RESIGNATION of office must be in writing, addressed and delivered to town clerk, and may be accepted by three justices of the peace, Pub. Off. L., § 21, p. 334; Town L., § 64, p. 749; VACANCIES in office, how created, Pub. Off. L., § 20, p. 333; how filled, Town L., § 65, p. 749 (for filling and vacating office in county of over 600,000 people, see Town L., §§ 220-236, pp. 779-784); supervisor and two justices may appoint five SPECIAL CONSTABLES for three days; duties, powers and pay, Town L., § 43, p. 743.

B. Police and special constables.

2. Board of village trustees may appoint police constables, L. 1870, ch. 291, § 3, p. 2275; duties; payment by fees or salaries, § 4, p. 2297.
3. FOR CORNELL UNIVERSITY, appointment, pay and duties of, L. 1865, ch. 385, § 3, p. 2225.

C. Powers and duties.

4. IN CIVIL MATTERS; in executing order of arrest, Civ. Code, §§ 2898-2900; in replevin action, §§ 2922-3; serving subpoena, § 2970; in levying execution, §§ 3029-43; to keep jury in justices' court; must execute

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certain mandates in person, § 3157; may call aid or require sheriff to execute, § 3158; action against, for not returning execution, § 3039; for money collected, §§ 3041-2; imitation of actions against, §§ 383-5; to attend court on notice of sheriff, § 97.

5. **IN CRIMINAL MATTERS;** is peace officer and may execute warrant of arrest, Crim. Code, §§ 154-5; or bench warrant, §§ 301, 477; may search habitual criminal without warrant, § 514; serve subpoenas, § 614; summon juries, § 703; execute judgments, § 725; or warrant of coroner, § 781; or search warrant, § 791; arrest fugitive from justice, § 829; or father of bastard, § 841; or vagrant, § 890; or disorderly person, § 900; or master or apprentice, § 928; duty in disturbance of religious meetings, R. S., p. 1770, § 66.

See Peace Officers.

6. Forbidden to act as attorney if he served summons or venire, Civ. Code, § 2889; to receive consideration for omitting or delaying duty; to buy claim for suit or give consideration for placing in his hands, §§ 3137-8; such offenses are misdemeanors and forfeit office, Pen. Code, § 137; a felony for constable to injure records or convert money collected, Pen. Code, § 114; a misdemeanor to receive reward for escape or for hindering justice, § 115; to neglect or refuse to take person into custody, or use undue severity in executing search warrant, §§ 116-20.

D. Fees and costs.

7. **IN CRIMINAL ACTION;** amounts chargeable, L. 1866, ch. 692, § 8, p. 2240; R. S., p. 1943; how computed, L. 1836, ch. 506, p. 2020; what may be collected from town and how audited, Town L., §§ 160-9, 174, 180, sub. 7, pp. 767-70, 772, 774; appeal by citizen from allowance, § 163, p. 768; what from county, Co. L., § 230, sub. 6, p. 655; can not collect fees if police constables are appointed, L. 1870, ch. 291, p. 2275.

8. **IN CIVIL ACTION;** amounts chargeable, Civ. Code, §§ 3312, 3323; how proven and taxed, § 3324; not to receive more than legal fees, § 3136.

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Of United States, pp. 1-15; of state, pp. 24-88; state constitution, how amended, Const. a. 14, § 6, p. 86.

CONSTRUCTION.

Of Civ. Code, § 3345; of provisions of Penal Code, Pen. Code, § 718; of criminal pleadings, §§ 11-2; of statutes, generally, see Stat. Const. L., pp. 117-20.

CONSULS.

May take acknowledgments, L. 1829, ch. 222, § 1, p. 1834; R. S., §§ 5-7; L. 1863, ch. 246, §§ 1-2, pp. 1835-6; and administer oaths and take affidavits, Civ. Code, § 844; Stat. Const. L., § 14, p. 112.

CONSULTATION.

Writ of, is abolished, Civ. Code, § 2100.

CONTAGIOUS DISEASES.

See Health; Cattle; Horses.

CONTAMINATION.

Of water, see Pollution, etc.

CONTEMPTS.

1. **CRIMINAL CONTEMPT;** what acts constitute, Civ. Code, § 8; penalty and proceedings to punish, §§ 8-12; is also a misdemeanor, Pen. Code, § 143; may be punished both as contempt and as a crime, but sentence for crime may be mitigated on account of punishment for contempt, Civ. Code, § 13; Pen. Code, §§ 680-1; Penal Code does not affect other penalties for contempt, § 724; confinement of person sentenced for contempt, Civ. Code, § 157.

2. General definition of contempt in civil proceedings, Civ. Code, § 14; limitations on punishment, §§ 15-6; also applies to failure of attorney to pay costs on motion to strike scandalous pleadings, § 545; to refusal to testify before governor in pardon matters, L. 1887, ch. 213, § 5, p. 2695; to disobedience to subpoena, Civ. Code, § 853; to failure of sheriff to obey order to return inventory, § 681; to improper second application for judgment, § 778; when disobedience to judgment is contempt, § 1241; or failure to pay alimony, § 1773; in enforcement of surrogate's decree, § 2555; challenged grand juror taking part in proceedings, Crim. Code, § 243; and second application for change of venue is contempt, § 350.

3. **PROCEEDINGS** to punish for contempt other than criminal, Civ. Code, §§ 2266-92; to enforce obedience to subpoena issued by court of record or by any board or officer authorized to issue subpoena, §§ 852-67; or by criminal court, Crim. Code, § 619; by court of special sessions, § 729; or in taking depositions in criminal matter, § 635.

4. **JUSTICE** of the peace may punish certain acts for contempt, Civ. Code, §§ 2870-5; or contumacious witness, §§ 3001-3.

5. **OF LEGISLATURE**, what constitute, Leg. L., § 4, p. 342.

CONTESTED ELECTIONS.

Of members of legislature; taking evidence; expenses of contest, Leg. L., §§ 64-5, pp. 355-6; of other officers, Civ. Code, §§ 1948-56.

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CONTINGENT REMAINDERS.

Defined, R. S., §§ 4, 13, 16, pp. 1789-90.

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1. By corporations, what officers to execute, Gen. Corp. L., § 39, p. 992; by bank, by whom to be signed, Bank. L., § 54, p. 1059.

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2. Officials of municipal corporations not to be interested in contracts, and such contracts are void, and officials guilty of misdemeanor, Pen. Code, § 473; L. 1843, ch. 57, p. 2068; nor officials of public institution, L. 1895, ch. 932, p. 3101.

3. Contracts for Sunday advertising are valid, L. 1871, ch. 702, p. 2327; and for future delivery of stocks without consideration, L. 1858, ch. 134, p. 2164; also contracts in contemplation of marriage and of married women, L. 1848, ch. 200, p. 2104, and note.

4. Contracts in restraint of trade by apprenticeship are void, R. S., p. 1902, § 39; also transfers of personal property in trust for benefit of grantor, R. S., p. 1886, § 1; and of wagering, R. S., p. 1763, § 8; and of raffles and lotteries, R. S., p. 1765, § 24. See Assignments; Conveyances; Deeds; Conditional Sales; Statute of Frauds.

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Political, defined, Elec. L., § 50, p. 268; may make nominations; method of certifying, § 56, pp. 271-4; to amend constitution, Const. a. 14, §§ 1-3, pp. 86-7.

CONVEYANCES.

1. Definitions of word, as used in revised statutes, R. S., p. 1888, § 7; p. 1841, § 38.

2. By whom to be executed, R. S., § 10, p. 1784; by married woman to her husband and vice versa, L. 1887, ch. 537, p. 2106; by one authorized to revoke former grants is valid, even if made before power of revocation vests, R. S., p. 1884, §§ 4, 5.

3. To pay gambling losses are void, but of real estate inure to benefit of heir, R. S., p. 1764, §§ 16, 17; in lottery transactions are void; for usurious consideration are void, R. S., p. 1855, § 5; conveyance of lands adversely held is void, R. S., p. 1813, § 147; and purchase of such lands is a misdemeanor, Pen. Code, § 129; buying or selling unless in possession is a misdemeanor, § 130; but mortgage of such lands is valid, R. S., p. 1813, § 148; conveyances made with intent to defraud, are void, R. S., p. 1888, § 1; but not as against innocent purchaser § 5, p. 1888; and if void as against creditors are void as against their heirs and assigns, § 4, p. 1888; and are misdemeanors, Pen. Code, § 586; R. S., p. 1884, §§ 1, 2.

4. Effect of conveyances to one party when consideration is paid by another, R. S., pp. 1796-7, §§ 51-3.

5. Conveyances with power of revocation reserved are void as against good faith purchasers, R. S., p. 1884, § 3.

6. EFFECT of conveyance; no covenant for payment of money implied in mortgage and no covenant is implied in any conveyance, R. S., p. 1812, §§ 139-40; does not carry more than grantor could convey, and against whom it is conclusive, R. S., p. 1813,

§ 143; any conveyance by tenant for life or years carries tenant's estate, and is valid without attornment of tenant, p. 1813, §§ 145-6; every grant conveys all the estate of grantor unless contrary intention is expressed, p. 1822, § 2; what conveyance after judgment of foreclosure carries, Civ. Code, § 1632.

7. CONSTRUCTION of conveyance by court to be made so as to effect intent of parties, R. S., p. 1822, § 2.

8. Conveyance to wife as jointure is bar to dower, p. 1815, §§ 9, 10.

9. REQUISITES of CONVEYANCE of real estate; must be subscribed and sealed and acknowledged or witnessed to be of effect against purchaser or incumbrancer, R. S., p. 1812, § 137; no estate greater than one year can be conveyed unless in writing, subscribed by party or agent authorized in writing, pp. 1884-5, §§ 6-10; takes effect only from delivery, p. 1812, § 138; shall be recorded with county clerk or register and if not so recorded is void against subsequent good faith purchaser first recording conveyance, R. S., pp. 1830-42, §§ 1-43; how proved if not acknowledged, and if proved, to be deposited with clerk, pp. 1840-1, §§ 31-3; false certifying of records is a felony, Pen. Code, § 162.

10. Conveyance by order of court by party or by sheriff, Civ. Code, §§ 717-8; when conveyance is evidence without further proof, §§ 935-6; of property without the state, §§ 946-7.

11. By comptroller after tax sale, L. 1855, ch. 427, pp. 2151-3, §§ 63-7; in forest preserve county, L. 1893, ch. 711, p. 2944, § 11. See Husband and Wife; Mortgages; Recording.

CONVICTION.

1. Of public officers of felony or of crime involving violation of oath of office forfeits public office, Pub. Off. L., § 20, p. 333; convictions which disqualify from holding office, § 3, p. 326, and note; of selling official powers forfeits office and disqualifies from holding office, Pen. Code, § 54; of member of legislature for bribery forfeits and disqualifies, § 70; of felony disqualifies as a juror, Crim. Code, § 375.

2. Evidence necessary for conviction of common barratry, Pen. Code, § 134; of rape by infant under 14, § 279; of rape, § 283; of seduction, § 286; not to be had on confession alone, Crim. Code, § 395; nor on testimony of accomplice uncorroborated, § 399; nor for treason, except by two witnesses, § 396.

3. For attempt to commit crime may stand though crime is proven, Pen. Code, § 685; sentence upon conviction for several offenses, § 694; of prisoner for felony committed while under sentence, § 695; does not work forfeiture of property, § 710.

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4. Is regulated by Code of Crim. Proc.; must precede punishment, Pen. Code, §§ 8, 9.

5. Summary conviction of professional thieves authorized, L. 1873, ch. 357, p. 2336; of disorderly person, Crim. Code, §§ 901-2; may be reviewed by ct. of sessions, § 39.

6. After verdict, court may order reconsideration, Crim. Code, § 447; form of, in special sessions, § 721.

7. Is a bar to second prosecution for same offense, Crim. Code, § 9; Pen. Code, §§ 677, 679; may be proved on cross-examination to affect weight of testimony, Civ. Code, § 832.

CONVICTS.

1. Employment of convicts on highways, L. 1894, ch. 266, pp. 2959-60; may not work in competition or on contract or except on state work after January 1, 1897, Const. a. 3, § 29, p. 55; of convicts until that date, R. S., pp. 1969-80.

2. To what prison to be sent, R. S., p. 1962, § 69; examination as to trade; commitment; transfer from one prison to another, R. S., pp. 1962-3, §§ 70-3; under five years' sentence or under 21 may be sent to penitentiary, Pen. Code, § 699; between 16 and 30, not before convicted, to be sent to reformatory, § 700; may be removed from one prison to another, § 705; confinement of convict under indeterminate sentence, R. S., pp. 1964-5, §§ 74-9; woman convict to be sent to house of refuge, L. 1881, ch. 187, pp. 2510-6; or to penitentiary, Pen. Code, § 698.

3. Transportation of convict, L. 1826, ch. 24, p. 1997; paid by state on warrant of comptroller, L. 1840, ch. 25, p. 2055; amount of fees, L. 1877, ch. 128, p. 2426; of woman convict, L. 1881, ch. 187, p. 2515, § 11.

4. Unauthorized communication with convict, is misdemeanor, Pen. Code, § 160; importing foreign convict, is misdemeanor, § 153.

5. Property brought to prison by convict; clothing and money furnished on departure, R. S., p. 1956, § 54.

6. Convict-made goods of other states to be labeled and branded, L. 1894, ch. 698, p. 2984; penalty for violation, Pen. Code, § 384b.

7. Methods of producing convict as witness, Civ. Code, §§ 2008-13; competency and weight of evidence, § 832.

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CO-OPERATIVE COMPANIES.

1. May be formed for any kind of business, L. 1867, ch. 971, p. 2251, § 1.

2. CERTIFICATE OF INCORPORATION; number and qualifications of incorporators, Gen. Corp. L., § 4, p. 975; contents of certificate, generally; must contain name; location; purposes; duration, not over 25 years; number of trustees; termination of

fiscal year; amount of capital, not less than \$1,000; subscription of all of which and payment of 10 per cent. in cash must be proved to sec'y of state by affidavit of two directors, L. 1867, ch. 971, p. 2251, § 2; may contain any provisions not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978; may contain provision for holding stock, bonds, etc., of other corporations, Stock Corp. L., § 40, p. 1017; for preferred stock, § 47, p. 1021; for cumulative voting, Gen. Corp. L., § 20, p. 983; name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976; number and qualifications of directors named in certificate, Gen. Corp. L., § 29, p. 987; how certificate executed and where filed; tax and fees must be paid before filing, Gen. Corp. L., § 5, p. 976; am't of tax, one-eighth of 1 per cent. of capital stock corporation authorized to issue, L. 1886, ch. 143, § 1, p. 2664; fees of sec'y of state, \$10, and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; co. clerk, six cents and 10 cents per folio, Civ. Code, § 3304; must also execute and file with sec'y of state and co. clerk a declaration of purposes and publish for four weeks, L. 1867, ch. 971, §§ 1-3, pp. 2251-2.

3. CHARTER MAY BE CHANGED, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, certificate of incorporation may be amended, § 7, p. 977; corporate existence therein specified, may be extended, § 32, p. 988; name may be changed by court, Civ. Code, §§ 2411-17; business may be altered or extended, Stock Corp. L., § 32, p. 1015; may increase or reduce am't of capital stock or number of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or number of directors, § 21, p. 1006.

4. CERTIFICATE, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, §§ 933, 957-8; if certificate filed be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

5. Before incurring indebtedness, 10 per cent. of capital must be paid in, L. 1867, ch. 971, p. 2251, § 1; must commence business in two years or charter forfeited, Gen. Corp. L., § 31, p. 988.

6. CORPORATE POWERS; DEBTS; BONDS; MORTGAGES; has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; perpetual succession for not more than 25 years, Gen. Corp. L., § 32, p. 988; L. 1867, ch. 791, p. 2251; may adopt and alter corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978; if none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; may make by-laws, Gen. Corp. L., § 11, p. 978

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2. COUNTY SEAT; may not be changed by special legislation, Const. a. 3, § 19, p. 51; but supervisors may move offices not over a mile out of corporate limits of county seat; and on petition may order question of other change of location submitted to vote at general election; majority vote will then remove, Co. L., §§ 30-33, pp. 606-7.

3. May ACQUIRE PROPERTY by purchase, gift or will, Gen. Corp. L., § 11, sub. 3, p. 973; Co. L., § 12, sub. 13, p. 598; and by condemnation if necessary, Gen. Munic. L., § 22, p. 589; Civ. Code, §§ 3357-82; but cannot acquire stock or bonds of any association or corporation, Const. a. 3, § 10, p. 75; may erect soldiers' monument, Co. L., § 38, p. 611; may insure public buildings, Gen. Munic. L., § 23, p. 590.

4. Can not GIVE OR LOAN property, money or credit, to or in aid of any individual, association or corporation, except

for aid or support of its poor, etc.; legislature may authorize but cannot require county to pay for support of poor, etc., in private institution; except a school or institution of learning under sectarian control; such payments authorized, Const. a. 8, §§ 10, 14; a. 9, § 4, pp. 75, 78, 79; L. 1895, ch. 754, p. 3087; may lease public buildings except schoolhouses to G. A. R., Gen. Munic. L., § 26, p. 591.

5. **INDEBTEDNESS LIMITED** to 10 per cent. of assessed value of real estate, except by vote of electors; and in no event to exceed one-third of such assessed value; nor in any case to exceed such 10 per cent., exclusive of water bonds and temporary loans in anticipation of current year's taxes; county whose boundaries are same as city can not incur indebtedness; special limitation as to county containing a city of more than 100,000; Const. a. 8, § 10, pp. 75-6; Gen. Munic. L., § 2, p. 590; Co. L., § 13, p. 599; **REPORT** of all county indebtedness to comptroller, Co. L., § 52, p. 613; **APPORTIONMENT OF**, on change of county boundary, § 4, p. 595.

6. **TEMPORARY LOANS**, in anticipation of the current taxes, must be within the amount and purpose of such taxes, payable within 8 mos., Int. thereon to cease when tax paid, Gen. Munic. L., § 4, p. 582; if not retired within 5 yrs. to be included in limited indebtedness, Const. a. 8, § 10, p. 76.

7. **COUNTY BONDS** lawfully issued are a charge upon the county, Gen. Munic. L., § 6, p. 582; contents of resolution of board of supervisors, authorizing issue of county bonds; form of bonds; how executed; registry; conversion of coupon into registered bonds; variance of 60 days in time of payment beyond time fixed by law does not invalidate, Co. L., § 14, p. 590; Gen. Munic. L., §§ 8-11, pp. 583-5; debt not represented by bonds may be **FUNDED**, by issuing bonds therefor, Co. L., § 12, sub. 6, p. 597; Gen. Munic. L., § 5, p. 582; issue of new bonds to take up maturing bonds, Gen. Munic. L., § 7, p. 582.

8. **COUNTY CHARGES**, generally, Co. L., § 230, p. 655; not liable for acts of sheriff, Const. a. 10, § 1, p. 79; liability of county for damages by mob, Gen. Munic. L., § 21, p. 589 (see Bridges; Courts; Highways, etc.); county charges, how raised, Co. L., § 232, p. 657.

9. **Actions by and against county**; claims against county, how collected; judgments against county, how enforced, Co. L., § 3, and note, p. 594; L. 1880, ch. 554, p. 2506.

10. **COUNTY OFFICERS**, to be elected by electors of county or appointed by local authorities of county, at general elections, Const. a. 10, §§ 1-2, pp. 79-80; Co. L., § 236, p. 659; powers of **LOCAL LEGISLATION**, to be devolved on boards of supervisors,

Const. a. 3, § 27, p. 54. (See titles of various county officers.)

For county roads, see Highways. See, also, Bridges; Courts, etc.

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Is chapter 18 of General Laws, pp. 593-664.

COUNTY CLERK.

1. **FILLING and VACATING the office**; one in each county elected triennially, except N. Y. and Kings, Const. a. 10, § 1, p. 79; **TERM** begins on January 1st after election, Co. L., § 160, p. 638; are local officers, Pub. Off. L., § 2, p. 325; to be **ELIGIBLE** must be of full age, citizen of U. S. and elector of county, Pub. Off. L., § 3, p. 325. (See Public Officers for convictions which disqualify.) **DOES NOT HOLD OVER** after expiration of term, Pub. Off. L., § 5, p. 326; **COMPENSATION** from fees, Civ. Code, §§ 3301-6; **OFFICIAL OATH and UNDERTAKING** must be filed within 15 days after notice of appointment and before entering upon duties; failure to file is misdemeanor, and forfeits office, but does not invalidate official acts, Co. L., § 160, p. 638; Pub. Off. L., §§ 10, 20, pp. 329-33; Const. a. 13, § 1, p. 84; Pen. Code, §§ 42-3; Civ. Code, § 3289. (For convictions which work **FORFEITURE**, see Public Officers.) **RESIGNATION** of office must be in writing, addressed and delivered to governor and takes effect on delivery, Pub. Off. L., § 21, p. 334; **REMOVABLE** by governor on charges served, Const. a. 10, § 1, p. 79; removal procedure, Pub. Off. L., §§ 23-5, pp. 335-6; expense thereof a county charge, Co. L., § 230, p. 656; **VACANCIES**, how created, Pub. Off. L., § 20, p. 333; filled by appointment by governor until December 31st after next general election, Co. L., § 160, p. 638; Const. a. 10, § 5, p. 80; election for full term to fill vacant office at next general election, Const. a. 10, § 1, p. 79; acting county clerk may be designated by county judge, until appointment or election, Co. L., § 162, p. 640.

2. Is **EX OFFICIO** clerk of supreme court and county court and of courts of sessions, except in New York city, Const. a. 6, § 19, p. 69; L. 1847, ch. 280, § 65, p. 2005; secretary of board of county canvassers, El. L., §§ 130-1, pp. 311-2.

3. **ORGANIZATION AND ADMINISTRATION OF OFFICE; OFFICE HOURS**, Co. L., § 165, p. 641; **COUNTY SEAL** is seal of court clerk and of county court and of supreme court in that county, except in New York county, Civ. Code, §§ 27-8; Co. L., § 235, p. 658; to appoint **DEPUTIES**, acting deputy and one or more special deputies; powers and duties of such deputies, generally, Co. L., § 162, p. 640; Civ. Code, § 89; Pub. Off. L., § 9, p. 328; deputy and special deputies may administer affidavits, Civ. Code, § 842.

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4. FEES; general official fees, Civ. Code, §§ 3304-6; in civil actions, generally, §§ 3301-2; for naturalization, § 3303; for recording commissions of notaries public, Ex. L., § 84, p. 384; for filing chattel mortgages, L. 1849, ch. 29, § 3, p. 2014; L. 1833, ch. 279, § 6, p. 2015; for filing conditional sales, L. 1884, ch. 315, p. 2610; for registering county bonds, Gen. Munic. L., § 9, p. 584; for filing oaths of notaries, Ex. L., § 84, p. 384; for recording liens, L. 1887, ch. 458, § 4, p. 2717; for docketing judgments against county, L. 1889, ch. 330, p. 2758; for recording timber mark, L. 1880, ch. 533, § 8, p. 2190; for recording notice by sup't pub. works to owner of lands taken for canal, L. 1884, ch. 336, p. 2613; for registering fictitious firm name, L. 1854, ch. 400, p. 2138; for making and forwarding transcript of proceedings on conviction to reformatory, L. 1887, ch. 711, § 7, p. 2726; for service and recording in U. S. deposit loans, L. 1837, ch. 150, § 64, p. 2050; for work in elections by unsalaried clerk, El. L., § 17, p. 256; clerk must account for fees under oath, Civ. Code, § 3285; must tax fees on demand, § 3287; can collect no fee for search requested by certain public officers, § 3290.

5. OFFICIAL RECORDS AND FILES; to procure books and have general custody of records and files, Co. L., § 161, p. 639; to record assignments for benefit of creditors, L. 1877, ch. 466, § 22, p. 2437; constables' undertakings, Town L., § 52, p. 745; official oaths and undertakings, Pub. Off. L., § 10, p. 328; Co. L., § 237, p. 660; of justice of peace, Town L., § 50, p. 744; conveyances, deeds, mortgages, etc., R. S., pp. 1830-1, §§ 1, 2; L. 1843, ch. 199, p. 1831; loan commissioners to deposit book, L. 1837, ch. 150, § 55, p. 2046; conditional sales, L. 1884, ch. 315, p. 2600; liens of mechanics, L. 1885, ch. 342, p. 2635; against municipal corporation, L. 1878, ch. 315, p. 2443; on oil wells, L. 1880, ch. 440, p. 2481; of railroad laborers, L. 1875, ch. 392, p. 2408; of officers, L. 1862, ch. 482, § 3, p. 2197; LICENSES of physician, Pub. H. L., §§ 140-52, pp. 841-3; of dentists, § 162, pp. 848-9; of veterinary physician, § 180, p. 856; MAP of county road, High. L., § 54, p. 686; map and survey of lands of water-works corporation, Trans. Corp. L., § 83, p. 1361; commission of notary public, Ex. L., §§ 81-4, pp. 382-4; of special partnership certificate, R. S., p. 1845, §§ 6-7; of new firm continuing business under old firm name, L. 1854, ch. 400, p. 2138; proceedings of boards of supervisors, Co. L., § 18, p. 601; R. S., pp. 1906-7; to complete unfinished records of predecessors, L. 1886, ch. 341, p. 2670.

6. REPORTS AND NOTICES; shall report to legislature all changes of names, Civ. Code, § 2417; to report to sec'y of state annually before January 1, number of city, town and village clerks entitled to public

documents, El. L., § 49, p. 353; to certify to sec'y of state separation of offices of county judge and surrogate, Co. L., § 221, p. 652; of result of election for incorporation of village, L. 1870, ch. 291, § 31, p. 2213; to report to superintendent of schools election of school commissioner, Consol. Sch. L., § 3, p. 1518; to county judge or school superintendent vacancy in office of commissioner, § 6, p. 1519; to give notice to overseer and superintendent of poor of location of almshouse, L. 1873, ch. 661, § 4, p. 2345; to transmit copy of all proceedings with prisoner to reformatory and send notice to superintendent, L. 1887, ch. 711, § 7, p. 2726; to give notice of appointment to appointed county officers and notice to proper authorities of failure of officers to file official oath and bond, Pub. Off. L., § 13, p. 331; to notify governor of the death or removal of public officers residing in the county, § 26, p. 337; to notify sec'y of state of vacancy in office of congressman, El. L., § 160, p. 321; to make annual report to clerk of supervisors of bonded indebtedness, Gen. Munic. L., § 9, p. 584; of fees and penalties received, Co. L., § 233, p. 657; to transmit to Utica Hospital statement of insane persons in the county, L. 1842, ch. 135, p. 2064; to transmit to governor on his request minutes of district attorney, L. 1860, ch. 135, p. 2178; to make annual reports to supervisors of all expenses, Co. L., § 164, p. 640; to publish ELECTION notices, El. L., §§ 5, 6, pp. 241-2; nominations, § 61, p. 278; to provide official ballots, etc., §§ 86-7, pp. 288-9; to publish and transmit certificates of election to persons elected, §§ 136-7, pp. 317-8; to give notice of elections and appointments, Co. L., § 161, sub. 3, p. 639; to person appointed notary public, El. L., § 83, p. 333; to give notice to the governor of vacancies in county offices, failure to file official oath and undertaking, and annually on January 15 of all county officers qualifying during previous year; annually on or before January 1 to report to sec'y of state certificates of incorporation filed during previous year; to keep account of all fees charged or received, Co. L., § 161, sub. 6, p. 639; to keep record of all moneys ordered or reported paid to county treasurer, L. 1880, ch. 330, § 1, p. 2758.

7. MISCELLANEOUS DUTIES; may administer oaths, Civ. Code, § 842; duties in relation to certificates of notary public, and collection of fee, Ex. L., §§ 43, 84, pp. 374, 384; to keep register for recording certificates of continuation of firm name, L. 1874, ch. 400, p. 2137; L. 1880, ch. 561, § 3, p. 25 8; of limited partnerships, R. S., p. 1845, §§ 6-8; duties in regard to recording conveyances; books required; indices to be kept, R. S., pp. 1830-1, §§ 1, 2; L. 1843, ch. 199, p. 1831; in regard to receiving and depositing wills and papers, R. S., pp. 1906-7; to drawing TRIAL

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JURORS in New York county, Civ. Code, §§ 1096-1104; **GRAND JURORS**, R. S., p. 1938.

COUNTY ENGINEER.

Appointment; removal; term of office; salary; powers and duties, High. L., §§ 55-8, pp. 686-7.

COUNTY JAILS.

See Jails.

COUNTY JUDGE.

1. **FILLING and VACATING** the office; one in each county, but two in Kings; term is six years from and including January 1st after election, Const. a. 6, § 14, p. 66; Co. L., § 221, p. 652; election of special county judge, Const. a. 6, § 16, p. 68; Co. L., § 220, p. 652; is a local officer, Pub. Off. L., § 2, p. 325; to be **ELIGIBLE** must be of full age, a citizen of U. S. and an elector of the county, § 3, p. 325; and an attorney and counselor, Const. a. 6, § 20, p. 69; does **NOT HOLD OVER** after expiration of term, § 5, p. 326; **SALARY** in each county, Co. L., § 222, pp. 653-4; not to be increased or diminished during his term, Const. a. 6, § 15, p. 67; is a county charge to be paid quarterly; also \$5 per day when sitting in another county, § 223, p. 651; shall not receive fees, Const. a. 6, § 26, p. 69; **OFFICIAL OATH** must be taken and filed with co. cl'k within 15 days after notice of appointment or commencement of term before entering upon duties or office forfeited, Pub. Off. L., §§ 10, 13, 20, pp. 329, 333; Const. a. 13, § 1, p. 84; entering upon duties without oath is misdemeanor but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. (For convictions which work **FORFEITURE** of office, see Public Officers.) **RESIGNATION** shall be in writing addressed and delivered to county clerk and takes effect on delivery, § 21, p. 334; **REMOVABLE** by impeachment before senate, Const. a. 6, § 13, p. 66; **VACANCIES** in office, how created, Pub. Off. L., § 20, p. 333; also by age limit, Const. a. 6, § 15, p. 67; how filled, Co. L., § 220, p. 652.

DUTIES; in proceedings for adoption of children, L. 1873, ch. 830, p. 2348; in regard to voluntary assignments for benefit of creditors, L. 1877, ch. 466, p. 2432; may appoint stenographers for grand jury, L. 1885, ch. 348, p. 2648; may order out military in case of riot, Crim. Code, § 111; not to act as attorney or referee in county of over 150,000 people, Const. a. 6, § 20, p. 69; has powers of sup. ct. judge out of court, Civ. Code, §§ 241, 349; what county judges may appoint stenographers, §§ 359-61.

See County Court; Surrogate.

(For duties in particular actions or proceedings, see that title.)

COUNTY TREASURER.

1. **FILLING and VACATING** the office, one to be elected in each county for term of three years from Jan'y 1st after election; but in Kings from first Tuesday in August and in Monroe from first Tuesday in October, Co. L., § 140, p. 632; Const. a. 10, §§ 2, 5, p. 80; is a local officer, Pub. Off. L., § 2, p. 325; to be **ELIGIBLE** must be of full age, a citizen of U. S. and elector of the county, § 3, p. 325; **HOLDS OVER** until successor qualifies, Co. L., § 140, p. 632; **SALARY** to be fixed by supervisors, Co. L., § 12, p. 597; no extra compensation can be allowed, Const. a. 3, § 28, p. 54; is a county charge, Co. L., § 230, p. 655; **OFFICIAL OATH** must be filed with co. cl'k, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; **BOND** in sum fixed by supervisors, approved by supervisors or by co. judge and co. cl'k must be filed and recorded within 15 days, after appointment or commencement of term; requisites of sureties and justification; supervisors may require new bond, Co. L., §§ 140, 237, pp. 632, 659; Pub. Off. L., § 15, p. 332; Pen. Code, §§ 42-3; **RESIGNATION** shall be in writing addressed and delivered to county clerk and takes effect on delivery, Pub. Off. L., § 21, p. 334; **VACANCIES** in office, how created, Co. L., § 140, p. 633; Pub. Off. L., § 20, p. 333; how filled, Co. L., § 140, p. 632; **SEAL** of county treasurer, Co. L., § 235, p. 658.

2. **POWERS and DUTIES**; in relation to receiving and paying money; keeping accounts; quarterly and annual reports to comptroller and co. cl'k; annual settlement with supervisors, Co. L., § 141, pp. 633-5; times for payments to state and penalties, L. 1895, ch. 558, p. 3062; time for report may be extended by sup. ct., Co. L., § 142, p. 635; penalty for failure to report without extension, § 148, p. 637; willful neglect to report is a misdemeanor, Pen. Code, § 117a; report as to fines received, Co. L., § 233, p. 657; subject to direction of supervisor; shall designate **BANKS of DEPOSIT**; security from depositary; liability of treasurer; interest paid county, §§ 143-5, pp. 635-6; may not draw money except for certain purposes; doing so is cause for removal, § 146, p. 636; **DELIVERY of BOOKS and moneys** at end of term, § 147, p. 637; summary proceedings to compel delivery, Civ. Code, § 2471a; refusal to deliver is misdemeanor, Pen. Code, § 57; may extend time for collection of taxes, § 149, p. 637; fine and punishment for **MISAPPROPRIATING funds**, Pen. Code, § 472; duties about fines of trustees, etc., Pen. Code, § 542; in receiving **DEPOSIT** instead of bail, Crim. Code, § 586; to apply deposit if forfeited, § 589; when to pay expenses of poor witness, § 616; to receive valuables from coroner, §§ 785-7; and in bastardy cases, § 881;

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to prosecute district attorney not accounting and reporting, Co. L., § 201, p. 647; fees of, enumerated, Civ. Code, § 3321; when to be ex-officio public administrator; bond and duties, §§ 2665-8; action upon county treas. bond by private person, Civ. Code, § 1887; duties in regard to moneys paid into court, §§ 743-54.

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COURTS.

1. Enumeration of civil courts of record and not of record, Civ. Code, §§ 2-3; courts of original criminal jurisdiction, Crim. Code, § 11; inferior local courts may be established, Const. a. 6, § 18, p. 69; new courts to proceed according to common law, except courts of equity authorized by constitution, R. S., p. 1650, § 8; superior courts of certain cities, city court of Brooklyn, common pleas of N. Y., circuit courts, courts of oyer and terminer, and courts of sessions (except in N. Y. county), abolished, Const. a. 6, §§ 5-6, 14, pp. 63, 67; seals and records of such courts to be deposited with county clerk, Civ. Code, § 93.

2. SITTINGS of courts to be public, Civ. Code, § 5; courts not to be opened for transaction of business on Sundays, § 6; supervisors to provide room, and furniture, Civ. Code, § 31; expenses thereof a county charge, Co. L., § 20; sale of liquors or gambling in courthouse a misdemeanor, Civ. Code, §§ 32-3; Pen. Code, § 336; racing within mile of court misdemeanor, § 147; when parties may stipulate for trial elsewhere than at courthouse, Civ. Code, § 37; change of place for holding courts by proclamation of governor or by order of judge, §§ 38-43; such change of place for holding court not to work abatement, § 44.

3. COURTS OF RECORD, GENERAL POWERS, §§ 7-11; general rules of practice, how made; publication thereof, §§ 17-8; printing of calendars, §§ 19-20. (See Calendars.) Existing SEALS of courts continued; description of seals to be recorded; new seals, §§ 17, 27, 30, 232; how impressed, Stat. Const. L., § 13, p. 112; forgery of, a felony, Pen. Code, § 511; decisions to be free for publication, Const. a. 6, § 21, p. 70. (See Reporters.)

4. ATTENDANTS, STENOGRAPHERS and CLERKS for courts, appointment and compensation, generally, Civ. Code, §§ 82-90; disqualified as attorneys during continuance in office, § 63; privilege from arrest, § 565; county clerks to be clerks of court, L. 1847, ch. 280, § 65, p. 2095; may appoint special deputy to attend court, Civ. Code, § 89; compensation of officers attending courts of record within county, a county charge, Co. L., § 230, p. 656; clerks of courts, fees to which entitled, §§ 3301-3, 3306; office hours, Co. L., § 165, p. 641.

5. COURT OF APPEALS, organization; vacancies; quorum, Const. a. 6, §§ 7-8, p. 64; jurisdiction and powers, generally, Const. a. 6, § 9, p. 64; Civ. Code, §§ 190-1; may make rules of practice, and for the admission of attorneys, Civ. Code, § 13; to appoint state board of law examiners, Civ. Code, § 56; may appoint its clerk, reporter and attendants, § 198; Const. a. 6, § 7, p. 64; L. 1800, ch. 26, p. 2779; salary of attendants, L. 1871, ch. 238, p. 2323; clerks, appointment and bond; compensation; power to employ assistants, §§ 198-201; Const. a. 6, § 19, p. 69; fees, Civ. Code, § 3300; reporter of, appointment and duties, Civ. Code, §§ 198, 209-16; judges of, see Judges; seal, description of, Pub. Off. L., § 40, p. 339; terms of, appointment of times and place for holding, Civ. Code, §§ 190-7; general rules of practice not binding on, § 17; may order enrollment of decrees of court of chancery, L. 1853, ch. 421, p. 2131; library of; administration, L. 1849, ch. 200, p. 2110.

6. SUPREME COURT, how constituted; general jurisdiction in law and equity, Const. a. 6, § 1, p. 61; Civ. Code, § 217; Crim. Code, § 22; judicial departments enumerated, § 219; legislature may alter every 10 years, Const. a. 6, § 2, p. 61; judicial districts enumerated, L. 1847, ch. 241, p. 2093; how altered, Const. a. 6, § 1, p. 61; county clerks to be clerks of supreme court, Const. a. 6, § 19, p. 69; L. 1847, ch. 280, p. 2095; Civ. Code, § 3343, sub. 4; may appoint special deputy to attend court, § 89; may cause calendars to be printed at expense of county where term is held, §§ 19-20; reporter, appointment, term of office, duties, §§ 245-50; stenographers, appointment, compensation, §§ 251-62; judges of, see Judges. Library, see Libraries.

7. APPELLATE DIVISION OF SUPREME COURT established; jurisdiction; governor to designate justices to constitute app. div.; quorum, Const. a. 6, §§ 2-6, pp. 61-3; Civ. Code, § 220; designation of justices to be in writing and filed with secretary of state, Civ. Code, § 223; in absence of presiding justice, senior justice to preside, § 228; justices of app. div. in each department to fix time and place for holding terms therein, §§ 225-6; also for special and trial terms therein; assign justices; make rules therefor, Const. a. 6, § 2, p. 62; Civ. Code, §§ 232-3; may appoint a clerk, crier stenographers and attendants; compensation, § 221; may appoint a reporter, Const. a. 6, § 2, p. 62; officers and attendants required to attend term of app. div.; fees and expenses to be paid by state, Civ. Code, §§ 242-3; may adopt seal, Civ. Code, §§ 17, 232; to admit to practice as attorneys in all courts, all persons duly qualified, § 56; may disbar for misconduct, § 67; extraordinary terms may

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8. COURT OF IMPEACHMENTS; organization and jurisdiction, Const. a. 6, § 13, p. 66; Crim. Code, §§ 5-14; general rules of practice not binding on, Civ. Code, § 17; clerks and officers; seal; time of holding the court; oath of members; compensation of members and officers, Crim. Code, §§ 15-20; clerk's fees, R. S., p. 1935, § 1; proceedings on trial, see Impeachment.

9. OYER AND TERMINER, abolished; jurisdiction vested in supreme court, Const. a. 6, § 6, p. 63; precept to issue prior to time of holding, R. S., pp. 1903-4, §§ 37-9.

10. COUNTY COURTS; civil jurisdiction, Const. a. 6, § 14, p. 66; Civ. Code, §§ 340-1, 347-9; criminal jurisdiction, Crim. Code, §§ 39-42; removal of cause if county judge disqualified, Civ. Code, § 342; Crim. Code, § 44; defined to include general sessions of city and co. of N. Y., § 961; appointment of terms by county judge, publication thereof, Civ. Code, §§ 355-6; employment of stenographer and interpreter in certain counties, §§ 358-61; clerks of counties to be clerks of county courts, L. 1847, ch. 280, § 65, p. 2095; may have calendars printed at county expense, Civ. Code, §§ 19-20; seal to be that of county clerk, § 27; judge of, see County Judge.

11. CITY COURTS; having original criminal jurisdiction are recorders' courts of Utica and Oswego and mayor's court of Hudson, Crim. Code, § 31; jurisdiction in CRIMINAL matters, §§ 33-5; CIVIL jurisdiction and procedure, Civ. Code, §§ 3196-3202; of New York city, civil jurisdiction and practice, §§ 3159-94; of Yonkers, civil jurisdiction and practice, §§ 3203-6.

12. COURT OF GENERAL SESSIONS of New York city; criminal jurisdiction, Crim. Code, §§ 50-1; by whom held, §§ 52-3; when held; clerk, deputies, interpreters and stenographers, §§ 54-5.

13. JUSTICE'S COURT of Albany; civil jurisdiction and practice, Civ. Code, §§ 3126, 3207-14, 3223-5.

14. Courts of justice of the peace in each town and in certain cities and villages, Civ. Code, § 3; civil jurisdiction and practice, Civ. Code, §§ 2861-3115; but in Brooklyn, jurisdiction and practice, §§ 3116-3133.

15. Courts of special sessions to be held by one justice of the peace or may be held by recorder; criminal jurisdiction, §§ 56-62; but in New York city for jurisdiction, see §§ 64-7; in Albany is held by recorder with or without one or more justices of the peace; jurisdiction, §§ 68-73; are also called police courts in code, § 74; deemed court of record, Crim. Code, § 11.

16. District courts in city of New York; civil jurisdiction and practice, Civ. Code, §§ 3126, 3207-3222.

17. POLICE COURTS; criminal jurisdiction, Crim. Code, § 74; by whom held, §§ 75-8; deemed court of record for what purposes, § 11.

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19. Municipal courts of cities of Buffalo, Rochester and Syracuse, Civ. Code, § 3; civil jurisdiction and practice of the Rochester court, §§ 3226-7.

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L., § 70, p. 1456; Gen. Corp. L., § 5, p. 976; fees for filing, by sec'y of state, \$10, and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; of co. cl'k, six cents and 10 cents per folio, Civ. Code, § 3304; no new corporations to be formed in certain counties, and no more than two to exist in any one county, Mem. Corp. L., § 71, p. 1457.

2. CERTIFICATE, presumptive EVIDENCE of incorporation, and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, §§ 933 957-9; if certificate filed, be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

3. CHARTER may be changed by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, § 7, p. 977; corporate existence may be extended, § 32, p. 988; name may be changed, Civ. Code, §§ 2411-17; number of directors and time of annual meetings may be changed, Mem. Corp. L., §§ 14-5, pp. 1440-1, TRUSTEES of property may be designated by stockholders, Mem. Corp. L., § 10, p. 1437.

4. INCORPORATION of unincorporated association, how authorized; and transfer of property thereof to the corporation, Mem. Corp. L., § 5, p. 1434; REINCORPORATION under Mem. Corp. L. of corporation created under special law, § 6, p. 1435.

5. Must organize and commence operations within two years after incorporation, Gen. Corp. L., § 31, p. 988.

6. CORPORATE POWERS are only such as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; corporate seal may be adopted and altered, Gen. Corp. L., § 11, p. 978; if not adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may make by-laws, Gen. Corp. L., § 11, p. 978 (see 7, below); may take property by grant or will, Gen. Corp. L., §§ 11-14, pp. 978-80; may dispose of property, Gen. Corp. L., § 11, sub. 3, p. 978; except that leave of court must be obtained for certain conveyances, mortgages or leases of real property, Mem. Corp. L., § 13, p. 1439; Civ. Code, §§ 3390-7; corporation is subject to visitation of sup. ct., Mem. Corp. L., § 16, p. 1441; if formed to prevent cruelty to children, may prefer complaint before any competent tribunal of the violation of any law relating to children and aid in presenting facts to court; or if formed to prevent cruelty to animals, of any law affecting the prevention of cruelty to animals; all magistrates shall aid any corporation formed to prevent cruelty to children or animals, and the former may be appointed guardian of a minor, and may retain any

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7. **BY-LAWS**, by whom made; provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 29, 20, pp. 978, 987, 983; Mem. Corp. L., §§ 8, 9, 13, pp. 1436-7, 1439; may provide who shall be proxies and duration of proxies, Gen. Corp. L., § 21, p. 984.

8. **MEMBERS** of CORPORATION, charter members; new members, how admitted, Mem. Corp. L., §§ 8, 9, pp. 1436-7; Gen. Corp. L., § 3, sub. 8, p. 975.

9. **CORPORATE MEETINGS** and **ELECTIONS** of officers, when held; number, classification and qualifications of directors; who are voters; conduct of elections; review thereof by court; changing number of directors and time of meeting, Mem. Corp. L., §§ 8-10, 14-15, pp. 1436-8, 1440; Gen. Corp. L., §§ 11, 20-7, 23, pp. 978, 983-6, 989.

10. **DIRECTORS**; duties and liabilities generally; quorum, Gen. Corp. L., §§ 29, 39, pp. 987, 992; annual report and inventories; right to compensation; individual interests in corporate contracts; individual liability for corporate debts, Mem. Corp. L., §§ 11, 12, pp. 1438-9; number of directors; first directors to be named in certificate of incorporation, Mem. Corp. L., § 70, p. 1456; thereafter to be elected by members, § 10, p. 1437; may be increased or diminished, and classified, Mem. Corp. L., §§ 8, 14, pp. 1436, 1440; at least two directors must be residents of this state, and all must be members of the corporation, Gen. Corp. L., § 29, p. 987; Mem. Corp. L., § 10, p. 1437; directors hold over till successors chosen, Gen. Corp. L., § 23, p. 985; may be suspended or removed for misconduct; vacancies, how filled, Civ. Code, §§ 1781-3; Mem. Corp. L., §§ 8-10, pp. 1436-7; actions brought against corporation with collusion of directors may be stayed, Gen. Corp. L., § 28, p. 986; when liable with corporation, may be sued separately or joined, Civ. Code, §§ 1790-6; not privileged from testifying as to corporate matters on ground of incrimination, Civ. Code, § 1805; are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987.

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1. Definitions of terms butter, butterine, oleomargarine, cheese, imitation butter or cheese, pure and adulterated milk, Ag. L.,

§ 20, pp. 946-7; impure and unwholesome milk, Pen. Code, § 669.

2. Regulations as to dairy products deemed enacted to preserve public health; punishment for violations; ignorance or absence of intent no defense, Ag. L., §§ 7-9, 36-7, pp. 943-4, 953; Pen. Code, §§ 408a, 397.

3. **BUTTER**; receptacles for butter to be branded; false brands prohibited, Ag. L., §§ 32, 34, pp. 952-3; county dairymen's association may adopt trade-mark for pure butter, § 35, p. 953; imitation butter or **OLEOMARGARINE** not to be made or sold; use of coloring matter forbidden; not to be used by bakeries, hotels, or public institutions, Ag. L., §§ 26-9, pp. 949-51; L. 1893, ch. 364, p. 2919; commissioner of agriculture authorized to compromise all actions relating to oleomargarine, L. 1895, ch. 70, p. 3020; may appoint expert butter-makers, Ag. L., § 4, p. 943.

4. **CHEESE**; manufacture and sale of cheese made from adulterated milk, except skim-milk, prohibited, Ag. L., §§ 22, 30-1, pp. 948, 951-2; com'r of agr. may employ expert cheese-makers, may issue "full milk cheese" brand for cheese manufacturers, §§ 4, 33, pp. 943, 952; false brands prohibited on cheese package, § 34, p. 953; county dairymen's association may adopt trade-mark for full cream cheese, § 35, p. 953.

5. **MILK**; sale of adulterated milk or food made therefrom, prohibited generally, Ag. L., § 22, p. 948; Pen. Code, §§ 407, 408a; adulterated milk, except skim milk, not to be supplied butter or cheese factory, § 23, p. 948; milk not to be sold outside co. where produced unless vessels branded with name of such county, § 24, p. 948; fraudulent sale of skim milk a misdemeanor, Pen. Code, § 439; condensed milk not to be made or sold unless made from unadulterated milk; cans to be labeled, Ag. L., § 25, p. 949; seizure of milk, sample to be given vendor, Pub. H. L., § 45, p. 807; Ag. L., § 12, p. 945; person bottling milk may register trade-mark; unauthorized use of branded milk cans, L. 1887, chs. 377, 401, pp. 2709-16; Pen. Code, §§ 369-70.

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2. Civil action for damages from intoxication, Exc. L., § 40 and note, pp. 1643-4.

3. On opening or discontinuing **HIGHWAY**, damages must be assessed by jury or by com'rs appointed by court; on opening private road, jury must assess damages, High. L., §§ 83-7, 106-122, pp. 696-7, 706-9;

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Const. a. 1, § 7, p. 33; on altering grade of highway or bridge in village, court to appoint com'rs to assess damages; procedure thereupon, L. 1883, ch. 113, pp. 2557-9; action by highway com'rs to recover for damages to highways; against town for defective highway, High. L., §§ 15-16, p. 673; damages for injuries to highways or bridges, High. L., §§ 153-4, p. 715.

4. Actions against cities for personal injuries; when maintainable, L. 1886, ch. 572, p. 2686; liability of city or county for mob violence, Gen. Munic. L., § 21, p. 589; damages for trespass on town lands in lieu of penalty, Town L., § 183, p. 775.

5. On protest of bill of exchange, R. S., p. 1853, §§ 18-23; for nonpayment of bank-notes, Bank. L., § 72, p. 1070.

6. Caused by omission to build division fence, insufficient fence, etc., Town L., §§ 101-8, pp. 754-6; by strayed animals or inanimate goods, §§ 120-35, pp. 757-61; by dogs killing sheep, Co. L., §§ 114-122, pp. 629-31.

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8. On vacating injunction order, Civ. Code, §§ 611-25; for withholding dower, §§ 1600-3; when double, treble or other increased damages are given, jury to find only single damages; usually only entitled to single costs, §§ 1184, 2257-8; treble damages recoverable for forcible disseizin, § 1600; by person whose name is wrongfully used in an action, §§ 1900-1; by witness when wrongfully arrested, § 843; against officer guilty of extortion, § 3282; against sheriff for violating jail regulations, § 125.

9. Writ of assessment of damages, Civ. Code, §§ 2103-19; matters in mitigation of damages may be proved on trial if pleaded, otherwise at inquest, § 536; ascertainment by action of damages sustained by felonious act, Pen. Code, § 717.

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2. To be decently buried within a reasonable time after death, Pen. Code, §§ 306-7.

3. Health boards to issue permits for transportation; to be in hermetically sealed casket if death caused by infectious disease, Pub. H. L., §§ 5, 23, pp. 790, 798; Pen. Code, § 307.

4. Removal of, from one cemetery of a religious corporation to another owned by it, Relg. Corp. L., § 8, p. 1398; from ceme-

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6. Concealing dead body of child, first offense, a misdemeanor; second offense a felony, Pen. Code, §§ 296, 693; violation of, a felony, § 303; body stealing; receiving stolen body, §§ 311-13.

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3. Fraudulent representation as a deaf and dumb person, a misdemeanor, Pen. Code, § 570.

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2. Civil action for wrongfully causing death, generally, Civ. Code, §§ 1902-5; by discharge of firearms, L. 1873, ch. 19, p. 2335; amount limit abrogated, Const. a. 1, § 18, p. 37; criminal liability for death caused by negligence, Pen. Code, §§ 195-201.

3. Of officer, vacates office; notice thereof, Pub. Off. L., §§ 20, 26, pp. 333, 337; of member of congress, notice by co. clerk, El. L., § 160, p. 321.

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5. Of stockholder of joint-stock association need not work dissolution, Joint-stock Asso. L., § 3, p. 1472; membership in mem. corp. terminates by death, Mem. Corp. L., § 9, p. 1437; health boards to register, Pub. H. L., §§ 5, 22, pp. 790, 797; when homestead exemption continues after death, Civ. Code, § 1400; surrogate's jurisdiction dependent on place of death, Civ. Code, § 2476; presumption of death, when arises, Civ. Code, §§ 841,

2310-18; Pen. Code, § 299; coroner's inquests in case of sudden death, etc., Crim. Code, § 773; when deposition of dead witness may be read, Crim. Code, § 8; of agent appointed to personally deliver commission, Civ. Code, §§ 905, Crim. Code, § 653. Of ATTORNEY, before judgment, stays action until 30 days after notice to appoint another, Civ. Code, § 65; notice of appeal may be served upon respondent, § 1302; of person entitled to sheriff's deed, Civ. Code, § 1473; of person appointed to sell real property before he has executed a deed, Civ. Code, § 1478; costs may be recovered on judgment of justice where justice or one of the parties has died since judgment rendered, Civ. Code, § 3154; if judgment debtor dies, order granting leave to issue execution may be granted upon 20 days' notice, Civ. Code, § 1376; while in custody, new execution may be issued against his property, § 1493; of judgment creditor, execution may be issued by personal representative within five years after entry of judgment, Civ. Code, § 1376; proceedings upon death or disability of PARTY, Civ. Code, §§ 755-66, 785.

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2. Contracted by woman before marriage, liability of husband for, L. 1853, ch. 576, p. 2105.

3. Locality of, as affecting surrogate's jurisdiction, Civ. Code, § 2478; for purpose of taxation, L. 1883, ch. 392, p. 2599.

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3. Sheriff's deed on sale under execution, Civ. Code, §§ 1440, 1471-8.

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articles in public museums, libraries or houses of worship, §§ 648, 650; gravestones, shade trees, etc., § 647; brands on barrels for malt liquor, L. 1864, ch. 276, p. 2213; notices prohibiting trespassing in private park, Fish., G. & F. L., § 216, p. 910.

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1. JUDGMENT on, not to exceed am't demanded in complaint, Civ. Code, § 1207; how taken, when entry may be by clerk; determination of am't; procedure on application to court for judgment, §§ 1212-9; where application to be made, Sup. Ct. Rule 26; in partition, court to ascertain rights of parties, Civ. Code, § 1545; on claims to real property, § 1645; on mortgage foreclosure, Sup. Ct. Rule 60; ascertainment of damages on default in replevin, § 1729; judgment on default in app. div., generally, Sup. Ct. Rule 39; in case of nonenumerated motion, Rule 44; judgment of reversal by default not allowed by Court of Appeals Rule 15.

2. In MATRIMONIAL ACTIONS judgment cannot be taken as of course, Civ. Code, §§ 1229, 1753, 1757, 1774; Sup. Ct. Rules 72-3, 75-6, 37.

3. Recovery of dower by default of guardian not to prejudice infant, Civ. Code, § 1605.

4. Default in JUSTICES' COURTS, Civ. Code, §§ 2908, 2988; opening default in justices' courts of Brooklyn, § 3128.

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1. Of crime, determined by jury, Pen. Code, § 10; if in doubt, to convict of the lowest, Crim. Code, § 390; prisoner may be convicted of lesser degree of crime; conviction thereupon a bar to subsequent prosecution for any degree of same crime, Pen. Code, §§ 35-6; Crim. Code, § 444.

2. Regents may confer degrees; unlawfully conferring or assuming such degrees, how punishable, Univ. L., §§ 11, 33, pp. 1479, 1487; medical degree, when conferred; unlawful use a misdemeanor, Pub. H. L., §§ 145, 153, pp. 839, 844; dental degree, §§ 162, 164, pp. 847, 850; veterinary degree, §§ 176, 184, pp. 853, 858.

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§ 3, p. 43; is entitled to one member of assembly, Const. a. 3, § 5, p. 46; salary of co. judge and surrogate, Co. L., § 222, p. 653.

2. State lands within, included within forest preserve, Fish, G. & F. L., § 270, p. 917; protection of game in, §§ 40, 44, 51, pp. 877-8, 880.

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1. Attorney wilfully delaying clients' cause liable for treble damages, Civ. Code, § 71.

2. Dismissal of action for failure to serve summons on or to proceed against necessary party, Civ. Code, §§ 821-2; def't may be discharged upon arrest if plaintiff unreasonably delays trial or entry of judgment, § 572.

3. Delaying public officer a misdemeanor, Pen. Code, § 124; public officer delaying to take person arrested for crime before a magistrate, misdemeanor, § 118.

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State board of dental examiners, how constituted; to license dentists; examination fees; revocation of license, Pub. H. L., §§ 160-3, pp. 845-50; registration of dentists with co. clerk, § 162, p. 848; violation of provisions respecting practice of dentistry, sale of diplomas, etc., § 164, pp. 850-1.

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FARE.

1. Rates that may be fixed by RAILROADS, R. R. L., § 37, pp. 1273-4; by certain summer roads, § 21, p. 1267. May be altered or reduced by legislature, § 38, p. 1274. Mileage books for two cents per mile must be issued; penalty for refusal L. 1895, ch. 1027, p. 3121. Ten cents extra may be collected where fare is paid on train, L. 1889, ch. 38, p. 2746. Railroad charging excessive fare forfeits \$50, R. R. L., § 39, p. 1275. Right to eject passenger refusing to pay fare, § 40, p. 1275; Pen. Code, § 223, sub. 5. Additional charge may be made for sleeping or parlor car, R. R. L., § 41, p. 1275.

2. STREET SURFACE RAILROAD not to charge more than five cents for continuous ride within city limits, R. R. L., § 101, p. 1308. Schedule of rates must be posted by FERRIES, Trans. Corp. L., § 6, p. 1341. penalty for failure to post, Pen. Code, § 415a; High. L., § 174, p. 719. Rate chargeable emigrants, Pen. Code, § 626.

FARM PRODUCTS.

Note given for, at excessive value, must have certain form, L. 1891, ch. 262, p. 2830.

FATHER.

See Parent and Child.

FAT RENDERING.

Forbidden near certain cities, L. 1892, ch. 646, p. 2892.

FAWNS.

See Game.

FEES.

1. Of PUBLIC OFFICERS not to be changed during term by private bill, Const. a. 3, § 18, p. 51. Sec'y of state, comptroller, treasurer, attorney-general, state engineer and surveyor, and judicial officers (except-

ing justices of peace) shall not receive fees to their own use, Const. a. 5, § 1, p. 58; a. 6, § 20, p. 69; Civ. Code, § 51. General provisions relating to fees, Civ. Code, §§ 3280-95. Sums allowed as fees to various officers, §§ 3296-3332. No fees to be charged for swearing applicant for registration, L. 1861, ch. 307, p. 2182.

2. When fees in CRIMINAL matter are town or county charge, Town L., § 165, p. 769. Not allowed to witness or juror in special sessions, Crim. Code, § 731. When fees for mileage in serving criminal subpoena out of county may be allowed, Town L., § 169, p. 770. Fees in criminal procedure, R. S., pp. 1943-4. Punishment of public officer or appraiser taking illegal fee, Pen. Code, §§ 48, 48c; for service not rendered, §§ 50-1; for extorting fee, § 557. For fees of specific officers, see titles of various boards, commissions, officers, etc.

FEE SIMPLE.

Estates of, defined, R. S., p. 1789, § 2.

FEIGNED ISSUES.

Abolished, Civ. Code, § 823. May be ordered by ct. to determine validity of assessments on real estate, L. 1842, ch. 154, § 3, p. 2065.

FELONY.

1. DEFINITION of, Pen. Code, § 5. Punishment for, when not specifically prescribed, §§ 12-4. When and where accessory may be punished, §§ 32-3. COMPOUNDING a felony, how punishable, § 125. Homicide in resistance to commission of felony is justifiable, § 205. Assault with intent to commit felony, § 217. Punishment for SECOND OFFENSE, §§ 688-9. When term begins for felony committed while under sentence for former felony, § 695. Place of imprisonment under sentence for, §§ 698-704. Effect of sentence for, upon public officer; suspends all civil rights and private trusts, § 707. Does not work forfeiture of property, § 710.

2. When and how ARREST may be made for, Crim. Code, §§ 158, 170, 177, 179. Defendant must be present on arraignment for, § 297. Conviction for, is ground of challenge to juror, § 375. When and how BAIL may be taken from prisoner charged with, §§ 553, 557, 579-82, 560, 571. Felony and crime committed with intent to commit felony CAN NOT BE COMPROMISED, § 663. Dismissal of prosecution for, not a bar to new prosecution, § 673.

FEMALE.

1. Convicted of felony shall be sentenced to penitentiary, Pen. Code, § 698.

2. EMPLOYEES in mercantile and manufacturing establishments to be provided with seats, L. 1881, ch. 293, p. 2525. Entitled to

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vote at school meetings, except for commissioner, Consol. Sch. L., § 11, p. 1529. See Alien; Convicts; Manufacturing Establishments; Penitentiaries; Prisons.

FENCE.

1. Who shall maintain DIVISION FENCE, and when, Town L., §§ 100-1, pp. 753-4. Shall not be of barb wire without consent of adjoining owner, L. 1894, ch. 755, p. 2999. Adjustment on change of title, and settlement of disputes by fence-viewers, Town L., §§ 102-5, pp. 754-5. When RAILROADS shall build and maintain, and of what material, R. R. L., § 32, p. 1269; of fence destroyed by accident, Town L., § 106, p. 756. Damages for building insufficient fence or for neglecting to build fence, §§ 107-8, p. 756. Pipe line need not fence, Trans. Corp. L., § 53, p. 1352. When cost of fence may be allowed as damages in opening road, High. L., § 122, p. 709.

2. REMOVAL may be compelled of fence encroaching on turnpike, Trans. Corp. L., § 142, p. 1377. Removal of fence to prevent drifts may be allowed in abatement of tax, High. L., § 72, p. 693. Removal of fence when highway is laid out, §§ 101, 105, pp. 704-5.

FENCE-VIEWERS.

1. In TOWNS, assessors and commissioners of highways are ex officio fence-viewers, Town L., § 23, p. 733. In CITIES and VILLAGES, aldermen and trustees are fence-viewers for purposes of estrays, § 134, p. 761.

2. Duties in regard to DIVISION FENCES, Town L., §§ 100-108, pp. 753-6. Determine damages and cos.s of ESTRAYS; fees therefor. Duty in regard to sale of estrays, §§ 124-130, pp. 758-60. In regard to inanimate chattels, § 135, p. 761. In regard to injuries to stock by dogs, Co. L., §§ 118-20, p. 630.

FEOFFMENT.

Conveyance by feoffment with livery of seizin abolished, R. S., p. 1812, § 136.

FERRIES.

1. LICENSE to maintain may be granted by county court or city court to owner of land; to others after notice to owner, High. L., § 170, p. 718. Licensee to give undertaking to maintain ferry at rates fixed by license, § 171, p. 718. Highway commissioners may grant right to erect posts on highways, § 172, p. 719. Sup't of pub. works may lease right of way over state lands to licensee, § 173, p. 719. RATES OF TOLL to be posted. Neglect, and penalty, § 174, p. 719; Trans. Corp. L., § 6, p. 1341; Pen. Code, § 415a. May be regulated by supervisors on application of company, Co. L., § 73, p. 621. Maintaining without au-

thority or forfeiting undertaking to maintain is misdemeanor, Pen. Code, § 415.

2. Steam RAILROAD with terminus in harbor of N. Y. may PURCHASE or lease and operate, R. R. L., § 54, p. 1283. Compensation for use of ferries by railroads may be fixed by railroad commissioners, § 131, p. 1322.

3. Employment after notice of intemperate person by ferry is misdemeanor, Exc. L., § 39, p. 1642. And intoxication of employe is a misdemeanor, Pen. Code, § 420.

FERRY CORPORATIONS.

1. CERTIFICATE of INCORPORATION; number and qualifications of incorporators, Trans. Corp. L., § 2, p. 1340; Gen. Corp. L., § 4, p. 975. Contents of certificate, generally, Trans. Corp. L., § 2, p. 1340. May contain any provisions not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978. May contain provision for holding stock, bonds, etc., of other corporations, Stock Corp. L., § 40, p. 1017; for preferred stock, § 47, p. 1021; for cumulative voting, Gen. Corp. L., § 20, p. 983. Name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976. Number and qualifications of directors named in certificate, Trans. Corp. L., § 2, p. 1340; Gen. Corp. L., § 29, p. 987. How certificate executed and where filed; tax and fees must be paid before filing, Trans. Corp. L., § 2, p. 1340; Gen. Corp. L., § 5, p. 976. Am't of tax, 1-8 of 1 per cent. of capital stock corporation authorized to issue, L. 1886, ch. 143, § 1, p. 2664. Fees of sec'y of state, \$10, and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; of co. clerk, 6 cents and 10 cents per folio, Civ. Code, § 3304. Affidavit as to subscription and payment of capital stock to be filed before authority to commence business is given, Trans. Corp. L., § 3, p. 1340.

2. CHARTER MAY BE CHANGED, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, certificate of incorporation may be amended, § 7, p. 977. Corporate existence therein specified may be extended, § 32, p. 988. Business may be altered or extended, Stock Corp. L., § 32, p. 1015. May increase or reduce am't of capital stock or number of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or number of directors, § 21, p. 1009.

3. CERTIFICATE, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978. Certified copy as evidence, Civ. Code, § 933. If certificate filed or recorded be LOST or DESTROYED may be replaced, § 8, p. 977.

4. Must commence business within two years; and half capital stock must be paid in within one year and balance within two years, or charter forfeited, Gen. Corp. L., § 31, p. 988; Trans. Corp. L., § 5, p. 1341.

5. CORPORATE POWERS; DEBTS, BONDS, MORTGAGES; has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978. Perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; Trans. Corp. L., § 2, p. 1340. May adopt and alter corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978; if none adopted private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112. May sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74. May make by-laws, Gen. Corp. L., § 11, p. 978 (see 6, post). May take property by grant or will and dispose thereof, Gen. Corp. L., §§ 11, 13-14, pp. 978, 980. Improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3. Exercise of banking powers prohibited, Gen. Corp. L., § 19, p. 982. May borrow money and contract debts; unsecured debts not to exceed paid-up capital; debts secured by mortgage not to exceed paid-up capital, or two-thirds of value of corporate property, Stock Corp. L., §§ 2, 24, pp. 1004, 1011. Bonds not to be issued for less than market value, Stock Corp. L., § 42, p. 1019. Bonds may be converted into stock, § 2, p. 1004. May hold stock, bonds, etc., and guarantee bonds of other corporations; sell property and franchises to another corporation, Stock Corp. L., §§ 40, 23, pp. 1017, 1015. Consolidate with other corporations, but not so as to create monopoly, Stock Corp. L., § 7, p. 1008; L. 1833, ch. 716, p. 2953.

6. BY-LAWS, adopted by stockholders, control directors, directors may make, if stockholders do not; by-laws, made by directors, regulating elections, to be published, Gen. Corp. L., §§ 11, 29, pp. 978, 987. By-laws may provide for the management of the corporate property and the regulation of its affairs, Gen. Corp. L., § 11, p. 978; the manner of transferring stock, § 11, p. 978; Stock Corp. L., § 40, p. 1017. Fix time and place of elections of directors, regulate notice thereof, and the calling of stockholders' meetings generally, Stock Corp. L., § 20, p. 1009; Gen. Corp. L., § 11, p. 978. Fix quorum of stockholders' meetings, Gen. Corp. L., § 11, p. 978; and manner of appointing inspectors of election thereat, Stock Corp. L., § 28, p. 1012. Prescribe powers and duties of officers, Stock Corp. L., § 27, p. 1012. What proportion of quorum of directors must concur to constitute action by board, Gen. Corp. L., § 39, p. 992. Manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009.

7. CORPORATE MEETINGS and ELECTIONS; directors to be elected by stockholders; other officers to be appointed by directors, Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Times, places and notices, and manner of calling corporate meetings; quorum

of stockholders; manner of appointing inspectors of election, to be regulated by by-laws, Stock Corp. L., §§ 20-8, pp. 1009-12; Gen. Corp. L., § 11, p. 978. Directors chosen by plurality vote; at least one-fourth of directors must be elected annually, Stock Corp. L., § 20, p. 1009. Qualifications of voters, proxies, challenges, appointment of inspectors; special meetings and election procedure generally, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012. Voting or giving proxy to vote without having title, possession and control of stock; selling vote or proxy; violation by inspector of his oath, punishable, Pen. Code, § 613.

8. OFFICERS, including DIRECTORS; filling and vacating the offices; directors to be elected by stockholders; other officers to be appointed by directors; compensation; president must be a director; other officers need not be, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Number of directors to be specified in certificate of incorporation, Trans. Corp. L., § 2, p. 1340; may be increased or diminished, Stock Corp. L., § 21, p. 1009. At least two directors must be residents of this state, Gen. Corp. L., § 29, p. 987. All directors must be stockholders or officers of another corporation which owns stock, Stock Corp. L., §§ 20, 40, pp. 1009, 1017. At least one-fourth of directors must be elected annually; by-laws must prescribe manner of filling vacancies in board of directors, Gen. Corp. L., § 20, p. 1009 (see 7, ante). Directors to hold over till successors elected and qualified, Gen. Corp. L., § 23, p. 985; Stock Corp. L., § 22, p. 1010. Action to suspend or remove officer or director for misconduct; if all removed, vacancies to be filled by governor with advice and consent of senate, Civ. Code, §§ 1781-3.

9. OFFICERS including DIRECTORS; duties and liabilities; powers and duties, generally, may be prescribed by by-laws, Stock Corp. L., § 27, p. 1012. President or vice-president and sec'y and treasurer must sign certificates of stock, § 40, p. 1017; and annual report, Stock Corp. L., § 20, p. 1014. Treasurer must make statement of assets and liabilities when properly requested, § 52, p. 1024. Officer in charge of stock book to exhibit same, etc., § 29, p. 1013. Majority of directors constitute quorum, Gen. Corp. L., § 29, p. 987. And majority of quorum may act, unless otherwise provided by law or by by-laws, § 39, p. 992. Directors may make by-laws if stockholders do not, § 20, p. 987. May amend certificate of incorporation, § 7, p. 977. May designate officers to execute corporate contracts, § 39, p. 992. May require of officers and employees security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012. Must open books for subscriptions to stock, § 41, p. 1018. Must prepare certificates of stock,

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§ 40, p. 1017. May prescribe times of payment of capital stock, and declare stock forfeited for nonpayment, § 43, p. 1019. May refuse to transfer stock of stockholder indebted to corporation, § 26, p. 1011. By two-thirds vote, may exchange preferred for common stock, § 47, p. 1021. With consent of stockholders, may authorize conversion of bonds into stock, § 2, p. 1004; extend corporate business, § 32, p. 1015; sell all corporate property and franchises, § 33, p. 1015. Directors are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987. Preferences to officers and directors of insolvent corporation prohibited, Stock Corp. L., § 48, p. 1022. ACTIONS brought against corporation, with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986. Actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3. When liable with corporation, may be joined as debt's or sued separately, Civ. Code, §§ 1790-6. Corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805. CIVIL LIABILITY of directors for making unauthorized dividends, incurring corporate indebtedness beyond lawful limit, loaning corporate funds to stockholders, Stock Corp. L., §§ 23-5, pp. 1010-11. Failure to make annual report, § 30, p. 1013. Of directors or officers for making report or statement, § 31, p. 1014. For preferences to officer or director when corporation insolvent, § 48, p. 1022. CRIMINAL LIABILITY of directors and officers for fraudulent issues, or overissue of stock; issuing surrendered or canceled stock; fraudulent representation to public officer in relation to incorporation or increase of capital stock; issuing watered stock; making unauthorized dividends; loaning corporate funds to stockholder; unlawfully increasing capital stock; selling stock of which he is not owner; false entries or omissions in books; refusing to exhibit books, etc., when required by law; omitting to disclose to proper officers, application for injunction against corporation; omitting to make any report when lawfully required; corrupt conduct at corporate elections, Pen. Code, §§ 591-2, 594, 610-11, 613. Presumption of knowledge of and consent to action of board by each director, Pen. Code, § 614.

10. STOCK, amount and number of shares to be specified in certificate of incorporation; at least one-half must be subscribed and paid in cash before incorporation; books to be opened for receiving subscriptions, balance of subscription may be paid in cash or property of not less than par value, Stock Corp. L., §§ 41-2, pp. 1018-9; Trans. Corp. L., §§ 3-5, pp. 1340-1. When subscriptions payable; forfeiture for nonpayment and reissue, Stock Corp. L., § 43, p. 1019. Stock certificates, how prepared and exe-

cuted, § 40, p. 1017. Court may order issue of new in place of lost certificate, §§ 50-1, pp. 1023-4. Stock book to be kept, and exhibited as required; presumptive evidence of facts therein recited, § 29, p. 1012; Pen. Code, § 611, sub. 4. Fraudulent issue of stock, overissue or issue contrary to law, Pen. Code, § 591. Increase and reduction of capital stock, Stock Corp. L., §§ 44-6, pp. 1020-1; preferred and common stock, § 47, p. 1021; increase or reduction of number of shares, § 56, p. 1026. STOCK TRANSFERABLE as prescribed by by-laws, § 40, p. 1017; transfers to be entered in stock book, § 29, p. 1013. When consent to transfer by stockholder indebted to corporation may be refused, § 26, p. 1011. Transfers of stock in contemplation of insolvency of corporation prohibited, § 48, p. 1022.

11. STOCKHOLDERS are members of corporation, Gen. Corp. L., § 3, sub. 8, p. 975. For what purposes purchaser of stock, whose transfer is not entered on stock book, is deemed a stockholder, Stock Corp. L., § 29, p. 1013; Gen. Corp. L., § 20, p. 983; by-laws made, by stockholders control directors, Gen. Corp. L., § 11, p. 978 (see 8, ante). Stockholder may pay proportion of mortgage debt and be subrogated thereto, Stock Corp. L., § 49, p. 1023. Insolvent corporation prohibited from preferring stockholder, § 48, p. 1022. Liability of stockholder for corporate debts, §§ 54-5, pp. 1025-6. Consent of majority of stockholders requisite to increase or reduction of capital stock, § 46, p. 1081. To change no. of directors, § 21, p. 1009. Consent of two-thirds requisite to changing no. of shares of stock, § 56, p. 1026. Unanimous consent requisite to issue of preferred stock, § 47, p. 1021. To guaranteeing the bonds of another corporation, § 40, p. 1018.

12. ANNUAL REPORT; contents; how executed; when and where to be filed; individual liability of directors for corporate debts, as penalty for failure to file report; penalty for false report, Stock Corp. L., §§ 30-1, pp. 1031-15; Pen. Code, § 611.

13. REORGANIZATION on foreclosure or judicial sale, Stock Corp. L., §§ 3-6, pp. 1005-8.

See Ferries

FERTILIZERS.

Shall have printed on packages analysis of contents and name of manufacturers. Manufacturers to furnish lists and samples of goods; penalty for violation, L. 1890, ch. 437, p. 2813. MANUFACTURE of, within 3 miles of city limits, except in certain counties, prohibited, L. 1890, ch. 646, p. 2892.

FEUDAL TENURES.

Are abolished, R. S., p. 1782, § 3; Const. a. 1, § 7, p. 35.

FICTITIOUS NAME.

1. Not to be used in partnership title, Pen. Code, § 363. When defendant may be designated by fictitious name in civil action, Civ. Code, § 451.

2. Signing to stock subscription is misdemeanor, Pen. Code, § 590.

FIGHTING ANIMALS.

Is a misdemeanor, Pen. Code, § 664; and keeping place for such fighting is a misdemeanor, § 665. Officer shall seize animal so used, L. 1875, ch. 97, pp. 2383-4.

FINE.

1. In CRIMINAL PROCEEDING. Limit against a CORPORATION convicted of felony is \$5,000, Pen. Code, § 13. How collected, Crim. Code, § 682. Collected from embezzling trustee may be paid to injured party, Pen. Code, §§ 541-3. If AMOUNT of fine is not limited in code or statute, it shall not be over \$500, Pen. Code, § 706. Shall not exceed one dollar for each day of imprisonment, Crim. Code, §§ 484, 718. What court may IMPOSE or REMIT, § 484. Execution of judgment of fine or imprisonment, §§ 487-8. Amount in special sessions not to exceed \$50, § 717. Deposit shall be used in PAYMENT of fine, § 589. To whom to be paid before or after commitment, Crim. Code, §§ 726-7. May not be remitted except upon notice to district attorney, L. 1861, ch. 333, p. 2182.

2. IN CIVIL PROCEEDING. When and how fine may be REMITTED by county court, Civ. Code, §§ 350-3. Action for COLLECTION of a fine, §§ 1961-8. Proceedings to collect a fine imposed by court without order of commitment, §§ 2293-2301. Remission or collection of fines imposed on JURORS in special proceedings, §§ 1197-9. In New York county, §§ 1109-19. In Kings county, §§ 1152-6.

3. Must not be imposed without probable cause, and must be reasonable, R. S., § 16, p. 1651. When and how fines are imposed and collected by MILITARY COURT, Mil. Code, §§ 228-259, pp. 566-71. Account of fines received to be filed with supervisors, Co. L., § 233, p. 657. Persons imprisoned for fine of not over \$250, unable to pay, may be released by court, Co. L., § 100, p. 626.

FIREARMS.

1. Fine of \$5 for discharging on July 4th or other HOLIDAYS within 1-4 mile of building, R. S., p. 1761, § 3.

2. A misdemeanor for minor to CARRY in cities without permit from mayor, L. 1883, ch. 375, p. 2595.

3. Injuring person by careless DISCHARGE of, or pointing firearm intentionally at person is misdemeanor, Pen. Code, § 468. Discharging toward person in

exhibition is misdemeanor, § 427; at railroad train, how punishable, § 635.

4. Appointment of board to examine improved firearms for use of state militia, L. 1895, ch. 600 p. 3074.

FIRE COMMISSIONERS.

1. FILLING and VACATING the office. Three to five in district, to be selected for term of not over 5 years, Co. L., § 37, p. 609. Are local officers, Pub. Off. L., § 2, p. 325. To be ELIGIBLE must be of full age, citizen of U. S. and resident and elector of town, Pub. Off. L., § 3, p. 325; Co. L., § 37, p. 609. HOLD OVER until successors elected and qualified, Pub. Off. L., § 5, p. 326. OFFICIAL OATH must be taken and filed, Pub. Off. L., § 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84. Penalty for assuming office without oath, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. VACANCIES in office filled by special election, Co. L., § 37, p. 609. How created, Pub. Off. L., § 20, p. 333.

2. POWERS and DUTIES. Decide name for district; purchase fire apparatus; rent or purchase real estate; procure water supply and provide for organization and maintenance of fire department, Co. L., § 37, pp. 609-11.

FIRE DEPARTMENTS.

1. OF VILLAGES. May be organized by trustees, L. 1870, ch. 291, pp. 2285-6. May appoint members, L. 1847, ch. 151, p. 2089. OUTSIDE of VILLAGES in organized fire districts are established and managed by fire commissioners elected by voters; are governed by fire commissioners, Co. L., § 37, pp. 609-10. In UNINCORPORATED VILLAGE may be maintained by fire department corporation, L. 1887, ch. 315, pp. 2700-1.

2. Are entitled, except in N. Y. and Buffalo, to 2% of FIRE PREMIUMS collected; agents and companies must give bond for such payment, Ins. L., §§ 133-5, pp. 1191-2. DUTY of chief engineer in regard to inspecting FIRE-ESCAPES, L. 1887, ch. 720, pp. 2730-1. In TOWNS outside of city or village, may be formed by town board appointing members, Town L., § 171, p. 771. Organization and government of such fire company, § 171, p. 771. Town may vote money for apparatus and support, § 171, pp. 771-2.

FIRE DEPARTMENT CORPORATIONS.

A. In unincorporated village.

1. CERTIFICATE OF INCORPORATION. Number and qualifications of incorporators, L. 1887, ch. 315, p. 2639; Gen. Corp. L., § 4, p. 975. Contents of certificate, generally, L. 1887, ch. 315, § 1, p. 2699. May contain any provision which does not exempt directors from obligations imposed

by law, Gen. Corp. L., § 10, p. 978. May provide for cumulative voting at corporate meetings, § 20, p. 983. Name not to resemble that of existing corporation, § 6, p. 976. Number and qualifications of directors named in certificate, § 23, p. 987; L., 1887, ch. 315, § 1, p. 2700. How certificate is executed and where filed; must be accompanied by certified copy of resolution of town officers consenting to such incorporation; fees attached to filing, § 1, p. 2700; Gen. Corp. L., § 5, p. 976. Fees of sec'y of state \$10 and 15 cts. per folio, Exec. L., § 28, subs. 6, 12, p. 271; of county clerk 6 cts. and 10 cts. per folio, Civ. Code, § 3304.

2. CHARTER MAY BE CHANGED by Legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, certificate of incorporation may be amended, § 7, p. 977. Corporate existence specified therein may be extended, § 32, p. 988. Name may be changed, Civ. Code, §§ 2411-17.

3. CERTIFICATE presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978. Certified copy as evidence, Civ. Code, § 933. If certificate filed or recorded be LOST may be replaced, Gen. Corp. L., § 8, p. 977.

4. Must organize and commence business within 2 years after incorporation, Gen. Corp. L., § 31, p. 988.

5. CORPORATE POWERS. May sue and be sued; may take and hold real estate for purposes of their incorporation not exceeding \$30,000 in value and personal property not exceeding \$50,000; may elect officers and allow compensation, and prescribe qualifications of membership, L. 1887, ch. 315, § 2, p. 2700. Have perpetual succession for not over 50 years, § 1, p. 2700; Gen. Corp. L., §§ 11, 32, pp. 978, 988. May adopt and alter corporate seal, Gen. Corp. L., § 11, p. 978. If none adopted, private seals of officers deemed corporate seal; corporate seals, how affixed, Stat. Const. L., § 13, p. 112. May make by-laws, Gen. Corp. L., § 11, p. 978. Improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3. May take and hold property by devise or bequest, but not in excess of the amount limited by law and not to exceed $\frac{1}{4}$ of net estate of testator, L. 1887, ch. 315, § 5, p. 2701.

6. BY-LAWS, by whom made, L. 1887, ch. 315, § 2, p. 2700. Provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 20, 29, 30, pp. 978, 983, 987, 992. May provide who shall be proxies and duration of proxies, § 21, p. 984.

7. OFFICERS including DIRECTORS. How chosen; may receive compensation if authorized by members, Gen. Corp. L., § 11, p. 978; L. 1887, ch. 315, § 2, p. 2700. Directors or managers hold over if not elected on day designated in by-laws, § 4, p. 2701. Directors or managers are jointly and severally

LIABLE for all debts contracted during their incumbency, if payable within 1 year, and sued within 1 year, after maturity, § 6, p. 2701. Directors shall make annual report and file in county clerk's office, giving inventory of property and transactions for year, § 7, p. 2701. At least 2 directors must be residents of this state and all must be members of the corporation, Gen. Corp. L., § 29, p. 987. May be suspended or removed for misconduct. Vacancies, how filled, Civ. Code, §§ 1781-3. Actions brought against corporation with collusion of directors may be stayed, Gen. Corp. L., § 28, p. 986. Corporate officers not privileged from testifying as to corporate matters on ground of incrimination, Civ. Code, § 1805. Directors are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987.

8. CORPORATE MEETINGS and ELECTIONS; when held; number, qualification and classification of directors; conduct of elections; review thereof by the court, L. 1887, ch. 315, §§ 3, 4, pp. 2700-1; Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6.

9. MEMBERS of CORPORATION. Qualifications may be prescribed by the corporation, L. 1887, ch. 315, § 2, p. 2700. After service for 5 successive years are exempt from militia, § 8, p. 2702. From jury duty, Civ. Code, § 1030.

B. In any city, town or village.

10. May be incorporated under Mem. Corp. L. Its powers and duties when so incorporated, Mem. Corp. L., §§ 65-6, pp. 1455-6; §§ 1-29, pp. 1433-42. May take property by devise or bequest but not to exceed $\frac{1}{4}$ of testator's estate, L. 1873, ch. 397, § 5, p. 2337. Members may be exempted from taxation to the amount of \$500 assessment by voters, § 11, p. 2337. From jury duty, Civ. Code, § 1030.

C. In incorporated villages.

11. How INCORPORATED. Trustees shall name the first members not exceeding 25 for each hose company and 40 to each engine company. Resolution to be entered on the minutes and filed in the office of the county clerk authorizing the formation of fire companies, L. 1887, ch. 244, §§ 1, 2, pp. 2695-6. Members so appointed constitute a corporation with power to have perpetual succession, sue and be sued, have common seal, purchase and hold real estate, and personal property not exceeding \$20,000, § 2, p. 2696.

12. Are GOVERNED by a council composed of three delegates from each company in the village, § 3, p. 2696. Council recommends chief engineer to board of trustees, but he is elected by trustees, § 4, p. 2697.

13. OFFICERS of the corporation are sec'y, treasurer and collector, elected by the council holding office until their successors

FIRE DEPT. CORPORATIONS — FISH AND GAME PROTECTORS. 115

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qualify. The council has power to make laws, ordinances and regulations to control the management and funds of the corporation, §§ 7, 8, pp. 2697-8.

14. **MEMBERS** of the corporation are chosen by the existing members, but must be confirmed by the board of trustees, § 2, p. 2696; are exempted from jury duty, Civ. Code, § 1030; from militia, L. 1840, ch. 291, § 6, p. 2286. Trustees may expend \$100 for inspections and parades, L. 1895, ch. 437, p. 3047.

FIRE DISTRICTS.

Outside of incorporated villages may be ESTABLISHED by supervisors on petition. Revenue, officers and control; how altered or discontinued Co. L., § 37, pp. 609-11. OFFICERS of district are five fire commissioners and treasurer, § 37, p. 609. Has POWER to rent or purchase land, procure water supply and maintain fire department, § 37, p. 610.

FIRE-ESCAPES.

Factory inspector may require construction on FACTORY; how compelled, L. 1886, ch. 409, §§ 6, 21, pp. 2674, 2681. Must be placed on HOTEL of over two stories; to be INSPECTED by fire chief and violations reported and punished, L. 1887, ch. 720, §§ 1-3, pp. 2730-1; to be placed on hospitals, L. 1895, ch. 381, p. 3037. Trustees must maintain on schoolhouse, Consol. Sch. L., § 49, p. 1548. On public buildings, L. 1895, ch. 535, p. 3051.

FIRE INSURANCE.

See Insurance.

FIRE INSURANCE CORPORATIONS.

See Insurance.

FIREMEN.

In active duty, or after five years' service are EXEMPT from jury duty, Civ. Code, § 1030; in N. Y. county, § 1081; in Kings county, § 1127. When village firemen are exempt from militia, L. 1870, ch. 291, p. 2286; L. 1847, ch. 151, p. 2089. Or members of village fire corporation, L. 1887, ch. 244, §§ 11-12, p. 2698. How five years' service is maintained on change of residence, § 11, p. 2698; L. 1835, ch. 243, p. 2017. Voters of village may exempt firemen from certain taxation, L. 1873, ch. 397, § 11, p. 2337. Obstructing in performance of duty is misdemeanor, Pen. Code, § 414.

FIRES.

1. Investigation of CAUSES to be made by coroner or sheriff, L. 1857, ch. 504, p. 2161.

2. FIRE in WOODS. Justices, commissioners of highways and supervisors shall order inhabitants of town to assist in stopping, Co. L., § 82, p. 751. Forest officers have same power, Fish., G. & F. L., § 276, p. 922. How exercised, §§ 277-9, pp. 923-4.

Penalty for setting fire to forest lands, § 281, p. 925. Duties of railroad companies in regard to preventing fires, § 275, p. 921. Setting fires or obstructing their extinguishment is also a misdemeanor, Pen. Code, §§ 413-4, 637.

FIRE WARDENS.

Supervisors are ex-officio fire wardens if none are appointed and there are no forest preserve lands in town, Fish., G. & F. L., § 278, p. 923. Duties of fire wardens, §§ 276, 279, pp. 922, 924. In villages, L. 1887, ch. 244, § 6, p. 2697.

FIRE-WORKS.

Discharge of, within $\frac{1}{4}$ mile of building upon certain holidays forbidden, R. S., § 3, p. 1761.

FISCAL YEAR.

Begins October 1, in offices of state treasurer and comptroller, L. 1831, ch. 320, p. 2011.

FISH.

Streams not to be polluted by substances destructive to fish, Fish., G. & F. L., § 100, p. 886. Taking fish by drawing water from streams forbidden, § 101, p. 886; or by use of explosives, § 102, p. 887. Taking fish from certain lakes and rivers by certain devices prohibited, §§ 131-143, pp. 892-96. Illegal nets may be destroyed by protectors and foresters, §§ 32-3, pp. 876-7. Close season and minimum size for fish described, §§ 105-17, pp. 887-90. Use of nets regulated and licensed, §§ 145, 152, pp. 896, 898.

FISH CULTURIST.

Is appointed by the Fish., G. & F. Coms. at a salary of \$2,000 and expenses, Fish., G. & F. L., § 5, p. 872.

FISH AND GAME PROTECTORS AND FORESTERS.

ARE APPOINTED by Fish., G. & F. Coms. and HOLD OFFICE during pleasure of the board, Fish., G. & F. L., §§ 20-1, p. 874. Are 35 in number, of whom the commission designates one as chief and two as assistants, who may be removed at pleasure of the commission, §§ 20, 22, p. 874. Chief gives a BOND of \$1,000 and the others \$500 to be approved by the board of commissioners. The COMPENSATION of the protectors and foresters is salary and $\frac{1}{2}$ of fines and penalties collected, § 24, p. 875. DUTIES are to enforce the fish and game laws of the state and to prosecute violations, §§ 26, 27, p. 875. Special protectors and foresters in any county may be appointed by the board on recommendation of the supervisors, who shall not be paid by the state, § 20, p. 876. They shall remove and destroy all illegal nets and the expense of such removal is a charge against the county in which they are seized, §§ 32, 33, pp. 876-7.

116 FISHERIES, GAME AND FOREST COMMISSIONERS — FLAGS.

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FISHERIES, GAME AND FOREST COMMISSIONERS.

1. **FILLING and VACATING** the office. Five commissioners appointed by governor by and with the advice and consent of the senate for TERM of five years, Fish., G. & F. L., §§ 2, 3, p. 872. **HOLD OVER** after the expiration of the term, Pub. Off. L., § 5, p. 326. To be **ELIGIBLE** must be of full age, citizen of the U. S. and resident of the state, Pub. Off. L., § 3, p. 325. One of the number to be named by governor with consent of the senate as **PRESIDENT**, Fish., G. & F. L., § 3, p. 872. **SALARY** of president \$5,000 and expenses; salary of other four \$1,000 each and expenses, Fish., G. & F. L., § 4, p. 872. Not to be increased or diminished during term; to receive no fees or perquisites to their own use, Const. a. 5, § 1, p. 58. Must take and file with sec'y of state **OFFICIAL OATH** within 15 days after appointment or office forfeited; penalty for neglect, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Pen. Code, §§ 42-3. **RESIGNATION** must be in writing, addressed to the governor, Pub. Off. L., § 21, p. 334. **REMOVABLE** by the senate on recommendation of the governor, Pub. Off. L., §§ 22, 25, pp. 334-5. **VACANCIES** in office, how created and filled, Pub. Off. L., §§ 20, 28, pp. 333, 338.

2. **POWERS and DUTIES.** Shall maintain an **OFFICE** in the capitol and in New York; may appoint sec'y and assistant and other clerks; salary and expenses of the clerical force, Fish., G. & F. L., § 6, p. 872. Shall designate one of their number as shell-fish commissioner, § 3, p. 872. Shall appoint **FISH CULTURIST** with salary of \$3,000 and expenses and an assistant at \$1,500 and expenses. May appoint a **STATE OYSTER PROTECTOR** at \$1,000 and expenses, § 180, p. 903. May appoint 35 fish and game **PROTECTORS** and **FORESTERS**, § 20, p. 874; and designate one of them as chief and two others as assistants, § 22, p. 874. The board shall propagate and distribute fish and may conduct and control hatching stations. Are charged with enforcement of laws for the protection of fish and game of the forest preserve and of oyster beds, § 7, p. 873. Shall make **REPORT** annually to legislature, § 8, p. 873. Shall have custody of forest preserve and make rules affecting it, § 271, pp. 918, 919. May **PARTITION LANDS** owned by state jointly with private persons, § 273, p. 920. May maintain **ACTION** for **TRESPASS** upon forest preserve, § 280, p. 925. May arrest offenders against game regulations without warrant, § 282, p. 926. May set aside three tracts in Catskills as deer parks, § 283, p. 926. Shall have custody and control of **ADIRONDACK PARK** and of all contracts relating to the park and the timber, §§ 290-5, pp. 927-9.

THE FISHERIES, GAME AND FOREST LAW.

Is ch. 31 of the general laws, pp. 871-939. **PROSECUTIONS** under this law for penalties may be brought in the name of the people on order of the chief fish and game protector and by direction of the commission, Fish., G. & F. L., §§ 230-1, p. 911. **SPECIAL COUNSEL** may be allowed by the commissioners, and costs shall be paid out of penalties recovered, § 231, p. 911. May be brought in any town in the county where the penalty was incurred, § 232, p. 911. Two or more penalties may be sued for and recovered in one action, § 234, p. 912. **Witness FEES** and other **DISBURSEMENTS** and full costs shall be recovered in an action by the people without reference to the amount of recovery, § 235, p. 912. Any **INDIVIDUAL** or **CORPORATION** may bring action to recover penalty on giving security for costs, and shall receive one-half the net penalty recovered. Judgments recovered may be enforced by execution against the person but the defendant shall not be imprisoned more than six months, § 237, p. 912. In actions by the people one-half of recovery belongs to the game protector prosecuting and one-half is paid to the board, but in actions by an individual, one-half the net recovery is paid to the individual and one-half to the board, §§ 238-41, p. 913. **ARREST** of offenders by protectors without warrant, § 243, p. 914; with warrant, § 246, p. 914. When search warrant may be issued, § 247, p. 915. What courts have **JURISDICTION**, § 244, p. 914. **PUNISHMENT** of misdemeanors defined by this act, § 245, p. 914. Witnesses shall not be privileged from testifying on the ground of tendency to incriminate themselves, § 248, p. 915. The possession of game in close season shall not be deemed violation of the act if shipped from more than 300 miles outside of the state under certain regulations, § 249, p. 915.

FISHWAYS.

No dam to be constructed in the state without suitable fishway approved by commissioners, Fish., G. & F. L., §§ 260-3, p. 916. Fishing near fishways is prohibited, and sign-board must be maintained within 50 rods of fishway, §§ 117-8, pp. 890-91.

FIXTURES.

What classes of fixtures descend to the heir and what go to the executor, Civ. Code, § 2712, suba. 4, 9. Fixtures of oil wells are deemed personal property for all purposes except taxation, L. 1883, ch. 372, p. 2595. May be subjects of larceny, Pen. Code, § 537.

FLAGS.

Of U. S. and this state to be displayed upon capitol building during sessions of

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legislature, Pub. Build. L., § 4, p. 492. Flags of the rebellion to be preserved in the capitol by adjutant-general, Mil. Code, §§ 39, 40, pp. 514, 515. Flag of U. S. to be displayed on every public school during school hours, L. 1895, ch. 222, p. 3027.

FOLIO.

Defined as 100 words, Stat. Const. L., § 11, p. 112.

FOOD.

Canned and preserved food must be labeled with the name of packer and place of packing; penalty for violation, L. 1885, ch. 269, §§ 1-5, pp. 2632-3.

See Adulterations.

FORCE.

When the use of force upon the person of another is lawful, and by whom it may be used, Pen. Code, § 223. Is necessary to constitute robbery, §§ 224-6. Extortion by use of force, §§ 554-60.

FORCIBLE ENTRY AND DETAINER.

Is forbidden, Civ. Code, § 2233. What ISSUES must be alleged and proved on either side in order to recover, § 2245. If plaintiff prevails he may recover TREBLE DAMAGES, § 1669. It is a misdemeanor to procure or assist another to make forcible illegal entry upon lands, Pen. Code, § 465.

FORECLOSURE.

Of LIEN for damages by strays, Town L., §§ 126-30, pp. 759-60; or by special proceeding, Civ. Code, §§ 3082-3115; or by action, §§ 1737-41. Foreclosure of real estate mortgage by ADVERTISEMENT; proceedings and disposition of surplus, Civ. Code, §§ 2387-2409. By ACTION; who may be made defendants; lis pendens; proceedings before and after judgment, Civ. Code, §§ 1626-37. Payment of taxes and assessments from proceeds, § 1676. In what county judgment must be entered before sale, § 1677. Foreclosure of mortgage upon CORPORATE PROPERTY and reorganization after sale, Stock Corp. L., §§ 3-6, pp. 1005-7. Pending foreclosure any stockholder may pay his proportion of the mortgage debt and be subrogated to rights of mortgagee to that extent, Stock Corp. L., § 49, p. 1023.

FOREIGN CORPORATIONS.

How defined, Civ. Code, § 3343. How summons served upon; when its books may be produced in evidence, § 929. May not do business in this state nor maintain an action until it has a CERTIFICATE of AUTHORITY from the sec'y of state, Gen. Corp. L., § 15, p. 980. Such certificate to be issued only after payment of taxes and appointment of agent for service of process, § 16, p. 980. When foreign corporation may not maintain an ACTION, Civ. Code, § 1779.

When an action may be maintained against foreign corporation; residence of plaintiff must be alleged, § 1780.

See Corporations; Banks; Insurance Corporations, etc.

FOREST PRESERVE.

LANDS of the forest preserve shall NOT be leased, SOLD or exchanged nor the timber cut off, Const. a. 7, § 7, p. 72. PURCHASE by the state of any lands sold for taxes in counties within the forest preserve, L. 1893, ch. 711, §§ 1-13, pp. 2938-45. Includes state lands within certain counties, Fish., G. & F. L., § 270, p. 917. All income from state forest lands to be used to purchase lands within Adirondack park, § 272, p. 919. TAXATION of forest preserve may be made for what purposes and under what conditions, § 274, p. 920. RAILROADS in forest preserve must clean right of way and prevent fires, § 275, pp. 921-2. Prevention of FIRES in forest preserve, §§ 276-82, pp. 922-6. DEER PARKS shall be maintained by the board in forest preserve, § 283, p. 926. Certain portions of the forest preserve designated as the ADIRONDACK PARK; how additions shall be made to the park, §§ 291-4, pp. 927-9.

FORFEITURE.

1. CIVIL ACTIONS to collect. Action must be brought within three years, Civ. Code, § 383. Proceedings in action by private person to recover, §§ 1893-8. Proceedings when action is brought by att'y-general or dist. att'y, §§ 1961-8.

2. Of GOODS exposed for sale on Sabbath, Pen. Code, § 270. Of STAKES by gambler, §§ 340, 352. Of LICENSE by auctioneer conducting a mock auction, § 574. Imposed for cruelty to animals, § 668. Does not result upon conviction for crime, suicide, or fleeing from justice, § 710.

FORFEITURE OF OFFICE.

Causes of forfeiture by public officer, generally, Pub. Off. L., § 20, p. 333; Const. a. 10, § 7, p. 81; for accepting free pass, Const. a. 13, § 5, p. 85. On conviction and sentence to state prison, Pen. Code, § 707; for selling appointments or rights of office, §§ 53-4; on conviction for bribery, § 45; for permitting escape, § 90; false audit or payment of claim, § 166; member of legislature convicted of crime against legislative power, § 70. For failure to file statement of election expenses, § 41x. By attorneys, justices and constables buying demands, § 139. By sheriff upon conviction of violating prison regulations, Civ. Code, §§ 125, 130.

FORGERY.

Offering forged instrument for RECORD is a felony, Pen. Code, § 95. Offering forged paper in EVIDENCE is a felony or fraud-

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ulently preparing false writing for evidence, §§ 107, 109. Term "forgery" defined, § 520. Description of the acts constituting forgery in the three degrees, §§ 509-22. Punishment for forgery in the several degrees, §§ 523-5. What allegations INDICTMENT shall contain if instrument is destroyed, Crim. Code, § 290.

FORMER CONVICTION OR ACQUITTAL.

Is a BAR to second prosecution for the same offense, Crim. Code, § 9. Former conviction or acquittal outside the state may be a bar, Pen. Code, § 679. Must be PLEADED to the indictment, Crim. Code, § 332. Cannot be given in evidence if not pleaded, § 339. Former acquittal on account of variance or on account of defect in the indictment not a bar, § 340; but an acquittal on the merits is a bar, § 341. Form of verdict on the plea, § 437.

FOUL BROOD.

See Bees.

FOURTH OF JULY.

Is a holiday, Stat. Const. L., § 24, p. 115. Prohibition of discharge of firearms and fireworks on that day, R. S., § 3, p. 1761.

See Holidays.

FRANKLIN COUNTY.

Is in the FOREST PRESERVE, Fish., G. & F. L., § 270, p. 917. Is in the fourth JUDICIAL district, L. 1847, ch. 241, p. 2034. In thirty-second SENATORIAL district, Const. a. 3, § 3, p. 43. Is entitled to one member of ASSEMBLY, Const. a. 3, § 5, p. 46. Is in twenty-third CONGRESSIONAL district, L. 1892, ch. 295, p. 2850. Salary of county judge, Co. L., § 222, p. 653.

FRAUD.

Upon witness, is misdemeanor, Pen. Code, § 108. By attorney, § 148. By production of pretended heir or the substitution of one child for another is a felony, §§ 151-2. In gambling, is a misdemeanor, § 339. In making false manifest, or in destroying insured property, or in presenting proof of loss is misdemeanor, §§ 576-9. What fraud against creditors is crime, §§ 586-9. In the organization of corporations, §§ 590-2. In the sale of passage tickets, §§ 616-27. In presenting claims to public officers, § 672.

See Statute of Frauds.

FRAUDULENT CONVEYANCES.

Are misdemeanors, Pen. Code, § 586. Conveyances of REAL ESTATE or of any charge upon real estate with intent to defraud purchasers for valid consideration are void, but not unless the grantee was privy to the fraud, R. S., p. 1884. Transfer of PERSONAL PROPERTY in trust for the

use of the grantor is void as against creditors, R. S., § 1, p. 1886. Any transfer not accompanied by immediate delivery and actual change of possession is presumed fraudulent as against creditors of the grantor or subsequent purchasers in good faith, and may be conclusive evidence of fraud, § 5, p. 1886. Conveyance of real estate or personal property with intent to hinder or defraud creditors shall be void, § 1, p. 1887. But such conveyances are not void as to innocent purchaser without notice, § 5, p. 1888. What conveyances by STOCK CORPORATION of its property or by stockholder of his STOCK are fraudulent, Stock Corp. L., § 48, p. 1022. Conveyance to one party when consideration is paid by another is presumed fraudulent as against existing creditors of person paying the consideration, R. S., §§ 51-2, p. 1796. Conveyance by insolvent LIMITED PARTNERSHIP giving preference to one partner or more is fraudulent and void as against creditors of the partnership, R. S., §§ 20-1, p. 1849.

FRAUDULENT INSOLVENCIES.

Definitions and penalties if fraudulent insolvent is an INDIVIDUAL, Pen. Code, §§ 586-9. If insolvent is a CORPORATION, §§ 590-614.

FREEHOLD.

Estates of freehold defined, R. S., § 5, p. 1789. How estates of freehold may be conveyed and when grants take effect, R. S., §§ 136-42, p. 1812.

FREE MASONS.

May hold and convey real property upon filing certificate of INCORPORATION with the sec'y of state, L. 1866, ch. 317, § 1, p. 2230. Title shall be taken in the name of the trustees of the lodge. Provisions for electing trustees and filling vacancies in the office, §§ 2-4, pp. 2231-2. Conveyance of property to be made by trustees only under direction of the lodge. REINCORPORATION of lodge incorporated under former laws, §§ 5, 6, pp. 2232-3.

FREIGHT.

Unclaimed expressed freight may be sold for charges, L. 1855, ch. 523, p. 2154. Unclaimed freight may be sold by transportation corporations for charges, R. L., § 46, p. 1277. Shall be received and forwarded by railroads in connection with steamboat lines, § 47, p. 1279. CHANGES in freight CHARGES may be recommended by railroad commissioners, and recommendation may be enforced by att'y-general, § 161, p. 1335.

FRIVOLOUS PLEADINGS.

Judgments may be rendered upon frivolous pleadings on notice, and costs awarded the applicant, Civ. Code, § 537.

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FRUIT TREES.

Wilful injury to, is a misdemeanor, Pen. Code, § 640. If infected with contagious diseases, to be destroyed, Ag. L., § 82, p. 960; Pen. Code, § 408a.

FUGITIVES FROM JUSTICE.

Shall be arrested under order of the governor and taken before supreme or county court and informed of their rights. After hearing, court may deliver the prisoners to custody of agents designated in the requisition and warrant, Crim. Code, § 827. Proceedings as to arrest, commitment, bail and notice to the authority of the state issuing the requisition, §§ 828-34.

FULTON COUNTY.

Is in the FOREST PRESERVE, Fish., G. & F. L., § 270, p. 917. Is in fourth JUDICIAL district, L. 1847, ch. 241, p. 2094. Is in twenty-seventh SENATORIAL district, Const. a. 3, § 3, p. 43. With Hamilton county is entitled to one member of ASSEMBLY, Const. a. 3, § 5, p. 46. Is in twenty-second CONGRESSIONAL district, L. 1892, ch. 295, p. 2350. Salary of county judge, Co. L., § 222, p. 653.

FUNERAL PROCESSIONS.

In cities, regulated, Pen. Code, § 276. Penalty for obstructing or disturbing, § 315.

GAMBLERS.

Definition and punishment, Pen. Code, § 344. Are disorderly persons, Crim. Code, § 899.

See Betting and Gaming.

GAME.

1. Close season for DEER, Fish., G. & F. L., §§ 40-1, pp. 877-8. Fawns not to be killed at any time, § 42, p. 878. Hunting with traps or yarding forbidden, §§ 43, 47, pp. 878-80. Hunting by dogs forbidden, § 44, p. 878. Transportation and possession of venison, § 46, p. 879.

2. WILD FOWL. Methods and times of hunting, §§ 70-7, pp. 881-3. Certain wild birds protected, §§ 78-80, p. 884. Snaring and trapping of game birds forbidden, § 81, p. 884. No pheasants shall be killed before 1897, § 82, p. 885. Method of obtaining authority to collect birds and eggs for scientific purposes, §§ 83-4, p. 885. Such certificate of authority is not transferable, § 85, p. 886. Provisions relating to game on Long Island, §§ 160-75, pp. 899-903.

3. PRIVATE GAME PRESERVE may be maintained; notices to be posted; penalty for interfering with fish or game so protected, §§ 210-16, pp. 909-10.

4. How prosecutions shall be conducted for violation of game laws, §§ 230-49, pp. 911-15.

See Fish.

GAMING.

Prohibited on the first day of the week, Pen. Code, §§ 265, 275. Definition and penalty for gaming, Pen. Code, §§ 336-42. Keeping a gaming establishment, § 343. Seizure and destruction of gambling implements, §§ 345-8. Definition and penalty for pool selling, § 351.

See Betting and Gaming.

GARBAGE.

Village of over 10,000 people may contract for the disposition of, L. 1894, ch. 606, pp. 2981-2. Deposit of, in New York bay restricted, L. 1875, ch. 604, pp. 2414-20.

See Pollution of Waters.

GAS.

Price of, in cities of over 800,000 not to exceed \$1.25 per thousand and have power of not less than 20 candles, Trans. Corp. L., § 70, p. 1358. Must be supplied by gas company on application, § 65, p. 1356. May be furnished for public use by any village in the state owning water-works system, L. 1894, ch. 680, pp. 2983-4. Unlawful interference with gas main, meters or wells is a misdemeanor, Pen. Code, § 651.

GAS CORPORATIONS.

1. CERTIFICATE of INCORPORATION; number and qualifications of incorporators, Trans. Corp. L., § 60, p. 1353; Gen. Corp. L., § 4, p. 975. Contents of certificate, generally, Trans. Corp. L., § 60, p. 1353. May contain any provisions not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978. May contain provision for holding stock, bonds, etc., of other corporations, Stock Corp. L., § 40, p. 1017. For preferred stock, § 47, p. 1021. For cumulative voting, Gen. Corp. L., § 20, p. 983. NAME not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976. Number and qualifications of directors named in certificate, Trans. Corp. L., § 60, p. 1353; Gen. Corp. L., § 29, p. 987. How certificate executed and where filed. TAX and FEES must be paid before filing, Trans. Corp. L., § 50, p. 1353; Gen. Corp. L., § 5, p. 976. Am't of tax, one-eighth of 1 per cent. of capital stock corporation authorized to issue, L. 1886, ch. 143, § 1, p. 2664. Fees of sec'y of state, \$10, and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; co. clerk, six cents and 10 cents per folio, Civ. Code, § 3304.

2. CHARTER MAY BE CHANGED, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, certificate of incorporation may be amended, § 7, p. 977. Corporate existence therein specified may be extended, § 32, p. 988. Name may be changed by court, Civ. Code, §§ 2411-18. Business may be altered or extended, Stock Corp. L., § 32, p. 1015; may

increase or reduce am't of capital stock or number of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026. Or number of directors, § 21, p. 1009.

3. CERTIFICATE, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978. Certified copy as evidence, Civ. Code, §§ 933, 957-8. If certificate filed be LOST or DESTROYED may be replaced, Gen. Corp. L., § 8, p. 977.

4. Must commence business in two years or charter forfeited, Gen. Corp. L., § 31, p. 988.

5. CORPORATE POWERS; DEBTS, BONDS, MORTGAGES. Has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978. Perpetual succession for what period, Gen. Corp. L., § 11, p. 978; Trans. Corp. L., § 60, p. 1353; Gen. Corp. L., § 32, p. 988. May adopt and alter corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978. If none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112. May sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74. May make by-laws, Gen. Corp. L., § 11, p. 978 (see 6, post). May take property by grant or will and dispose thereof, Gen. Corp. L., §§ 11, 13-14, pp. 978, 980. Improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3. Must pay proportion of meter inspection expenses, Trans. Corp. L., § 62, p. 1355. Must supply gas on application, Trans. Corp. L., § 65, p. 1356. May require deposit of money, § 66, p. 1356. May not require rent for meters, § 69, p. 1358. May not exceed certain price for gas, § 70, p. 1358. Exercise of banking powers prohibited, Gen. Corp. L., § 19, p. 982. May borrow money and contract debts; unsecured debts not to exceed paid-up capital; debts secured by mortgage not to exceed paid-up capital, or two-thirds of value of corporate property, Stock Corp. L., §§ 2, 24, pp. 1005, 1011. Bonds not to be issued for less than market value, § 42, p. 1019. Bonds may be converted into stock, § 2, p. 1004. May hold stock, bonds, etc., and guarantee bonds of other corporations; sell property and franchises to another corporation, §§ 40, 33, pp. 1017, 1015. Consolidate with other corporations organized to carry on gas or electric heat, light or power business, Trans. Corp. L., § 61, sub. 3, p. 1354. But not so as to create monopoly, Stock Corp. L., § 7, p. 1008; L. 1893, ch. 716, p. 2953. May sell gas; lay mains; and city may exempt from tax on personal property for three years, Trans. Corp. L., § 61, sub. 1, p. 1353.

6. BY-LAWS, adopted by stockholders, control directors; directors may make, if stockholders do not; by-laws, made by directors, regulating elections, to be published,

Gen. Corp. L., §§ 11, 29, pp. 978, 987. By-laws may provide for the management of the corporate property and the regulation of its affairs, Gen. Corp. L., § 11, p. 978. The manner of transferring stock, § 11, p. 978; Stock Corp. L., § 40, p. 1017. Fix time and place of elections of directors, regulate notice thereof, and the calling of stockholders' meetings generally, Stock Corp. L., § 20, p. 1009; Gen. Corp. L., § 11, p. 978. And manner of appointing inspectors of election thereat, Stock Corp. L., § 28, p. 1012. Prescribe powers and duties of officers, Stock Corp. L., § 27, p. 1012. Fix quorum of directors and what proportion of directors must concur to constitute action by board, Gen. Corp. L., §§ 11, 39, pp. 978, 992. Manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009.

7. CORPORATE MEETINGS and ELECTIONS; directors to be elected by stockholders; other officers to be appointed by directors, Gen. Corp. L., § 11, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Times, places and notices thereof; manner of calling meetings; quorum of stockholders; manner of appointing inspectors, to be regulated by by-laws, Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6; Stock Corp. L., § 28, p. 1012. Directors chosen by plurality vote; at least one-fourth of directors must be elected annually, Stock Corp. L., § 20, p. 1009. Qualifications of voters, proxies, challenges, appointment of inspectors; special meetings, and election procedure generally; review of election by court, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012. Voting or giving proxy vote without title, possession and control of stock, selling vote or proxy; violation by inspector of his oath, punishable, Pen. Code, § 613.

8. OFFICERS, including DIRECTORS; FILLING and VACATING the OFFICES; directors to be elected by stockholders; other officers to be appointed by directors; president must be a director; other officers need not be; compensation, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Number of directors to be specified in certificate of incorporation, Trans. Corp. L., § 60, p. 1353. May be increased or diminished, Stock Corp. L., § 21, p. 1009. At least two directors must be residents of this state, Gen. Corp. L., § 29, p. 987. All directors must be stockholders or officers of another corporation which owns stock, Stock Corp. L., §§ 20, 40, pp. 1009, 1019. At least one-fourth of directors must be elected annually; by-laws must prescribe manner of filling vacancies in board of directors, Gen. Corp. L., § 20, p. 1009 (see 9, ante). Directors to hold over until successors elected and qualified, Gen. Corp. L., § 23, p. 985; Stock Corp. L., § 22, p. 1010. Action to suspend or remove officer or director for misconduct; if all removed, vacancies to be filled

by governor with advice and consent of senate, Civ. Code, §§ 1781-3.

9. OFFICERS, including DIRECTORS; DUTIES and LIABILITIES; powers and duties, generally, may be prescribed by by-laws, Stock Corp. L., § 27, p. 1012. President or vice-president and sec'y or treasurer must sign certificates of stock, § 40, p. 1017. And annual report, § 30, p. 1014. Treasurer must make statement of assets and liabilities when properly requested, § 52, p. 1024. Officer in charge of stock-book to exhibit same, etc., § 29, p. 1013. Majority of directors constitute quorum, Gen. Corp. L., § 29, p. 987. And majority of quorum may act, unless otherwise provided by law or by by-laws, § 39, p. 992. Directors may make by-laws if stockholders do not, § 29, p. 987. May amend certificate of incorporation, § 7, p. 977. May designate officers to execute corporate contracts, § 39, p. 992. May require of officers and employees security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012. Must open books for subscriptions to stock, § 41, p. 1018. Must prepare certificates of stock, § 40, p. 1017. May prescribe times of payment of capital stock, and declare stock forfeited for non-payment, § 43, p. 1019. May refuse to transfer stock of stockholder indebted to corporation, § 26, p. 1011. By two-thirds vote, may exchange preferred for common stock, § 47, p. 1021. With consent of stockholders, may authorize conversion of bonds into stock, § 2, p. 1004. Extend corporate business, § 32, p. 1015. Sell all corporate property and franchises, § 33, p. 1015. Directors are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987. Directors of two or more corporations may submit to stockholders an agreement for consolidation, Trans. Corp. L., § 61, p. 1354; Bus. Corp. L., §§ 8-9, pp. 1388-9. Preference to officers and directors of insolvent corporation prohibited, Stock Corp. L., § 48, p. 1022. Actions brought against corporation, with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986. Actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3. When liable with corporation, may be joined as def'ts or sued separately, Civ. Code, §§ 1790-6. Corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805. CIVIL LIABILITY of directors for making unauthorized dividends, incurring corporate indebtedness beyond lawful limit, loaning corporate funds to stockholders, Stock Corp. L., §§ 23-5, pp. 1010-11. Failure to make annual report, § 30, p. 1013. Of directors or officers for making report or statement, § 31, p. 1014. For preferences to officer or director when corporation insolvent, § 48, p. 1022. CRIMINAL LIABILITY of directors and officers for fraudulent issue, or

overissue of stock; issuing surrendered or canceled stock; fraudulent representation to public officer in relation to incorporation or increase of capital stock; issuing watered stock; making unauthorized dividends; loaning corporate funds to stockholders; unlawfully increasing capital stock; selling stock of which he is not owner; false entries or omissions in books; refusing to exhibit books, etc., when required by law; omitting to disclose to proper officers, application for injunction against corporation; omitting to make any report when lawfully required; corrupt conduct at corporate elections, Pen. Code, §§ 591-2, 594, 610-11, 613. Presumption of knowledge of and consent to action of board by each director, Pen. Code, § 614.

10. STOCK; amount and number of shares to be specified in certificate of incorporation; Trans. Corp. L., § 60, p. 1353. Until total stock paid, stockholders are individually liable for corporate debts, Stock Corp. L., § 54, p. 1025. Books to be opened for receiving subscriptions, 10 per cent. of subscriptions to be paid in cash at time of subscribing; balance of subscription may be paid in cash or property of not less than par value, Stock Corp. L., §§ 41-2, pp. 1018-9. When subscriptions payable; forfeiture for non-payment and reissue, § 43, p. 1019. Stock certificates, how prepared and executed, § 40, p. 1017. Court may order issue of new in place of lost certificates, §§ 50-1, pp. 1023-4. Stock-book to be kept and exhibited as required, presumptive evidence of recitals therein, § 29, p. 1013; Pen. Code, § 611, sub. 4. Fraudulent issue of stock, overissue or issue contrary to law, Pen. Code, § 591. Increase and reduction of capital stock, Stock Corp. L., §§ 43-6, pp. 1019-21. Preferred and common stock, § 47, p. 1021. Increase or reduction of number of shares, § 56, p. 1026. Stock TRANSFERABLE as prescribed by by-laws, Stock Corp. L., § 40, p. 1017. Transfers to be entered in stock-book, to be valid except as to certain purposes, § 29, p. 1013. When consent to transfer by stockholder indebted to corporation may be refused, § 26, p. 1011. Transfers of stock in contemplation of insolvency of corporation prohibited, Stock Corp. L., § 48, p. 1022.

11. STOCKHOLDERS; are members of corporation, Gen. Corp. L., § 3, sub. 8, p. 975. For what purposes purchaser of stock whose transfer is not entered in stock-book is deemed a stockholder, Stock Corp. L., § 29, p. 1013; Gen. Corp. L., § 20, p. 983. By-laws made by, control directors, Gen. Corp. L., § 11, p. 978 (see 11. Corporate meetings and elections, ante). Stockholder objecting to consolidation may have his stock appraised, etc., Bus. Corp. L., § 9, p. 1389. May pay proportion of mortgage debt and be subrogated thereto, Stock Corp. L., § 49, p. 1023. Insolvent corporation prohibited

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from preferring stockholders, § 48, p. 1022. Liability of stockholder for corporate debts, §§ 54-5, pp. 1025-6. Consent of majority of stockholders requisite to increase or reduction of capital stock, § 46, p. 1021. To change no. of directors, § 21, p. 1009. Consent of two-thirds requisite to changing no. of shares of stock, § 56, p. 1026. Unanimous consent requisite to issue of preferred stock, § 47, p. 1021. To guaranteeing the bonds of another corporation, § 40, p. 1018.

12. **ANNUAL REPORT**; contents; how and by whom executed; when and where to be filed; individual liability of directors for corporate debts as a penalty for failure to file; penalty for false report, Stock Corp. L., §§ 30-1; Pen. Code, § 611.

13. **REORGANIZATION** on foreclosure or judicial sale, Stock Corp. L., §§ 3-6, pp. 1005-8.

14. **CONSOLIDATION** of two or more business corporations, Bus. Corp. L., §§ 8-10, pp. 1388-90; Trans. Corp. L., § 61, p. 1354. Sale of all corporate property and franchises to another corporation, Stock Corp. L., § 33, p. 1015.

GAS, INSPECTORS OF METERS.

See Inspectors of Gas Meters.

GAS METERS.

Shall be furnished by gas corporation free of rent, Trans. Corp. L., § 69, p. 1358. Shall be inspected, sealed and tested, § 64, pp. 1355-6.

GAS PIPES.

Penalty for wrongfully cutting or tapping, Pen. Code, § 639.

GAS WELLS.

Abandoned gas wells shall be plugged, L. 1879, ch. 217, p. 2451. Violations of the act is misdemeanor, § 2, p. 2451. Adjacent owner may plug at expense of owner, § 3, p. 2452.

GATES.

Shall be maintained by elevated railroads on cars and kept closed while in motion, R. R. L., § 139, p. 1330. For collection of tolls may be maintained by bridge or plank-road corporations, Trans. Corp. L., § 130, p. 1371. Location and removal of gates for toll, § 133, p. 1372. Penalty for running gate, § 132, p. 1372.

GEESE.

See Game.

GENERAL CORPORATION LAW.

Is ch. 35 of general laws, pp. 972-1003.

GENERAL MUNICIPAL LAW.

Is ch. 17 of general laws, pp. 579-92.

GENERAL ELECTIONS.

Defined, Elec. L., § 2, p. 239.

GENERAL SESSIONS, COURTS OF.

See Courts.

GENESEE COUNTY.

Is in 8th JUDICIAL district, L. 1847, ch. 241, p. 2094. Is in the 45th SENATORIAL district, Const. a. 3, § 3, p. 44. Is entitled to one member of ASSEMBLY, Const. a. 3, § 5, p. 46. Is in the 30th CONGRESSIONAL district, L. 1892, ch. 295, p. 2850. Salary of county judge, Co. L., § 222, p. 653. Grand jurors in, Crim. Code, §§ 230-3.

GENEVA MEDICAL COLLEGE.

Shall give free instructions to not over 4 students selected by boards of censors, L. 1841, ch. 223, p. 2062.

GEOLOGIST AND PALEONTOLOGIST OF STATE.

1. **FILLING** and **VACATING** the office. Is **APPOINTED** by the governor and **REMOVABLE** at his pleasure, Consol. Sch. L., § 22, p. 1482. Is a state officer, Pub. Off. L., § 2, p. 325. To be **ELIGIBLE** must be of full age, citizen of U. S. and resident of state, Pub. Off. L., § 3, p. 225. **SALARY** is \$3,600, Consol. Sch. L., § 22, p. 1482. Must take and file **OFFICIAL OATH**, Const. a. 13, §§ 10, 13, 20, pp. 329, 331, 333; Pen. Code, §§ 42-3. **RESIGNATION** must be in writing, addressed and delivered to governor, Pub. Off. L., § 21, p. 334. **VACANCY** in office, how created and filled, Pub. Off. L., § 20, p. 333; Consol. Sch. L., § 22, p. 1482.

2. **POWERS** and **DUTIES**. With botanist and entomologist constitute scientific staff of state museum, and have custody and control of state museum. Scientific collection made by state geologist during his term is property of the state, Consol. Sch. L., § 23, p. 1483. Duties in relation to the state museum, L. 1883, ch. 355, pp. 2586-7.

GIFTS.

May not be made with sales of food, Pen. Code, § 335a. To charitable institution shall not be void on account of uncertainty of beneficiary, L. 1893, ch. 701, p. 2937.

GLANDERS.

A misdemeanor to sell animal afflicted with, Pen. Code, § 658. Infected animals to be quarantined and destroyed by order of the state board of health, Pub. H. L., §§ 60-2, pp. 810-11. Owner of animal destroyed to be compensated, § 63, pp. 812-3.

GOSPEL LOTS.

Are under control of several supervisors, Consol. Sch. L., § 1, p. 1514. Have power to lease; invest proceeds in loans; to apply rents and profits to support of schools, R. S., § 3, pp. 1707-8. Shall make reports of their proceedings annually, Consol. Sch. L., § 22, p. 1512. Proceeds may be apportioned

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among the school districts of the town by vote of town board if less than \$500, and by vote of people if over \$500, L. 1895, ch. 232, pp. 3028-9. Trustees to give bond on receiving the money, and to apply it to the schools according to the desire of the district, §§ 5, 6, p. 3029.

GOVERNOR.

1. **FILLING and VACATING the OFFICE.** Is elected for TERM of two years ending on December 31st in each even-numbered year, Const. a. 4, § 1, p. 55. In case of a tie, legislature elects in joint session, Const. a. 4, § 3, p. 55. Is a state officer, Pub. Off. L., § 2, p. 325. To be **ELIGIBLE** must be citizen of U. S., over 30 years of age and for five years next before election, a resident of the state, Const. a. 2, § 4, p. 55. **SALARY** is \$10,000 and use of executive mansion, Const. a. 4, § 4, p. 56. May not receive any **FEES** to his own use, Const. a. 10, § 9, p. 81. Does not **HOLD OVER**, Pub. Off. L., § 5, p. 326. Must file **OFFICIAL OATH**; result of failure to file oath, Pub. Off. L., §§ 10, 13, 15, 20, pp. 329-33; Pen. Code, §§ 42-3. **RESIGNATION** must be in writing, addressed to legislature and delivered to and filed with sec'y of state, Pub. Off. L., § 21, p. 334. **VACANCIES** in office, how created and filled, § 20, p. 333. In case of absence or inability to act place is taken successively by lieutenant-governor, president of senate and speaker of the assembly, Const. a. 4, §§ 6-7, pp. 56-7. **POWERS** of such substitute, Ex. L., § 2, p. 367. **REMOVABLE** by impeachment, Const. a. 6, § 13, p. 66.

2. **ORGANIZATION of his OFFICE.** Shall appoint a private secretary at **SALARY** of \$4,000, Ex. L., § 3, p. 368. May expend \$10,500 for clerical force, \$4,000 for incidental expenses and \$2,000 for repairs of executive mansion, § 4, p. 368. He shall keep in executive office journals, registers, ledgers and files showing all transactions at his office, classified, including applications for pardons, and an account of all expenses of the office, § 5, p. 368. Shall be the custodian of privy seal, Pub. Off. L., § 40, p. 339.

3. Is **EX OFFICIO** a trustee of agricultural experiment station. Ag. L., § 85, p. 962; a trustee of public buildings, Pub. Build. L., § 2, p. 490; of State Soldiers' Home, Pub. Build. L., § 40, p. 490; a regent of university, Univ. L., § 4, p. 1476; commander in chief, Const. a. 4, § 4, p. 55. A trustee of Cornell University, L. 1865, ch. 585, § 2, p. 2224.

4. Method of **APPOINTMENT** and **REMOVAL** of public officers by the governor. If made with consent of senate shall be in writing, addressed to the senate and describing appointee and office; proceedings by senate, Pub. Off. L., § 7, p. 327. If confirmed by senate, or if appointment is made by

governor alone, commission shall issue signed by the governor and attested by the sec'y of state, §§ 7, 8, p. 327. Governor recommending removal of officer to senate may take evidence to determine truth of charges, Pub. Off. L., § 22, p. 335. May order investigation to be made by supreme or county court judge and appoint prosecutor, Pub. Off. L., § 24, p. 336. But in removal of certain state officers, charges shall be investigated by the senate with assistance of prosecutor named by the governor, Pub. Off. L., § 22, p. 335. Officer appointed by the governor alone may be removed by governor on presentation and hearing of charges; also in county, superintendent of poor, county register, notary public, sheriff, county clerk, district attorney, Pub. Off. L., § 23, p. 335; Const. a. 10, § 1, p. 79. May remove district attorney failing to prosecute certain public offenses, Const. a. 13, § 6, p. 86; expenses are a county charge, Co. L., § 230, sub. 16, p. 656. May suspend state treasurer until 30 days after commencement of next session of legislature and appoint during vacancy, Const. a. 5, § 7, p. 60. Shall fill certain vacancies during certain recess of legislature or where no other provision is made, Ex. L., §§ 28-31, p. 339.

5. May appoint by and with **ADVICE and CONSENT** of the senate. (But not from members of legislature, Const. a. 3, § 7, p. 48.) Three state assessors, L. 1859, ch. 312, p. 2171. Five building commissioners for Eastern New York Reformatory, L. 1894, ch. 299; L. 1895, ch. 812, p. 2852. Captain of the port of New York, L. 1883, ch. 357, p. 2589. A capitol commissioner, Pub. Build. L., § 6, p. 493. Three civil service commissioners, L. 1883, ch. 354, p. 2575. Three commissioners of claims, L. 1883, ch. 205, p. 2559. Five commissioners of fisheries of game and forest, Fish., G. & F. L., § 2, p. 872. Commissioner of labor statistics, L. 1883, ch. 356, p. 2588. Commissioners for loaning U. S. Deposit Fund, L. 1837, ch. 150, §§ 2, 13, 14, pp. 2022, 2028. Eight commissioners of prison, L. 1895, ch. 1026, p. 3118. Five commissioners of Niagara reservation, Pub. L. L., § 90, p. 412. Three commissioners of quarantine for port of New York, Pub. H. L., § 80, p. 818. Three commissioners for uniformity of legislation, L. 1890, ch. 205, p. 2793. Three commissioners of statutory revision, L. 1889, ch. 289, p. 2757. Directors of corporations of which all former directors have been removed by court, Civ. Code, § 1781. Health officer of port of New York, Pub. H. L., § 100, p. 822. Inspector of gas meters, Trans. Corp. L., § 62, p. 1354. Justice of court of appeals or supreme court in case of vacancy, Const. a. 6, §§ 4, 8, pp. 63-4. Major-general, Const. a. 11, § 4, p. 82. Twelve managers of Craig Colony, L. 1894, ch. 363, p. 2962. Ten managers of Buffalo

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State Asylum, L. 1874, ch. 446, p. 2377. Three managers of Collins Farm Hospital, L. 1894, ch. 707, p. 2988. Ten managers of Thomas Asylum, L. 1895, ch. 38, p. 3014. Six managers of House of Correction, L. 1881, ch. 187, § 2, p. 2510. Nine managers of Hudson River Asylum, L. 1874, ch. 446, p. 2376. Seven managers of Long Island State Hospital, L. 1895, ch. 628, p. 3078. Ten managers of St. Lawrence State Asylum, L. 1887, ch. 375, p. 2703. Nine managers of State Veterans' Home, L. 1894, ch. 468, p. 2078. Five managers of State Reformatory at Elmira, L. 1887, ch. 711, § 1, p. 2723. Eleven managers of State Asylum at Rome, L. 1895, ch. 59, p. 3018. Managers of Utica Asylum, L. 1874, ch. 446, p. 2364. Not over four notaries public to the thousand population in each county, Ex. L., § 81, p. 382. Three members state board of health, Pub. H. L., § 2, p. 788. Three railroad commissioners, R. R. L., § 150, p. 1331. State historian, L. 1895, ch. 393, p. 3045. State board of mediation and arbitration, L. 1887, ch. 63, p. 2691. Superintendent of insurance, Ins. L., § 2, p. 1131. Superintendent of banking department, Bank. L., § 3, p. 1030. Superintendent of public works, Const. a. 5, § 3, p. 58. Of prisons, Const. a. 5, § 4, p. 59. Eleven trustees of board of charities, L. 1895, ch. 771, p. 3091. Trustees of Institution for the Blind, L. 1867, ch. 744, p. 2245. Twenty-one trustees of State Homoeopathic Asylum, L. 1874, ch. 446, p. 2378. Eight trustees of the Institution for the Feeble-Minded, L. 1862, ch. 220, p. 2184. Nine trustees of State Soldiers' Home, Pub. Build. L., pp. 498-9. Eight trustees of Willard Asylum, L. 1874, ch. 446, p. 2373.

6. APPOINTED BY GOVERNOR ALONE. State botanist, geologist and entomologist, Univ. L., § 22, p. 1482. May appoint conductor or brakeman police officer, R. R. L., § 58, p. 1284. Chiefs of staff, Const. a. 10, § 4, p. 82. Commissioners of deeds outside of state, Ex. L., § 17, p. 386. Two members of capitol commission, Pub. Build. L., § 7, p. 494. Three commissioners to prepare code of revision, L. 1895, ch. 1036, p. 3122. Five commissioners to propose changes in legislative methods, L. 1895, ch. 1025, p. 3118. Five commissioners to propose legislation for cities of second class, L. 1895, ch. 548, p. 3052. For cities of third class, L. 1895, ch. 1011, p. 3117. Three commissioners to examine improved firearms, L. 1895, ch. 600, p. 3074. To fill vacancies; county clerk, Co. L., § 160, p. 638. Judge, surrogate, special county judge or special surrogate, § 220, p. 652. District attorney, § 200, p. 647. Sheriff or coroner, § 180, p. 642. County treasurer, § 140, p. 632. Factory inspector and assistant, L. 1886, ch. 409, § 14, p. 2679. Superintendent of salt springs, Salt Spr. L., § 6, p. 469. Three members of the board of health, Pub. H. L., § 2, p. 788.

Three members of state racing commission, L. 1895, ch. 570, p. 3065. Two trustees of nautical school in harbor of New York, L. 1861, ch. 253, p. 2180. Nine trustees of agricultural experiment station, Ag. L., § 85, p. 962. Shore inspector, L. 1875, ch. 604, § 4, p. 2415. Appoints 34 wreck-masters, Town L., § 150, p. 766. With lieutenant-governor and comptroller appoints 15 managers of House of Refuge, L. 1846, ch. 143, p. 2082. Appoints and commissions various officers of the militia, see Militia.

7. POWERS and DUTIES, generally. May convene legislature, or senate alone in special session and prescribe subjects for action, Const. a. 4, § 4, p. 55. Shall communicate to legislature recommendations, Const. a. 4, § 4, p. 55. May veto items in appropriation bills, Const. a. 4, § 9, p. 57. Publication of false message is felony, Pen. Code, § 674. Shall transact necessary business with public officers and see that laws are enforced, Const. a. 4, § 4, p. 55. May grant REPRIEVE or PARDON after conviction subject to legal methods of application, Const. a. 4, § 5, p. 56. May have hearing of and evidence taken on application for pardon, L. 1887, ch. 213, p. 2694. May suspend sentence for treason until legislature convenes, Const. a. 4, § 5, p. 56. Shall communicate to legislature all acts in relation to pardons and commutations of sentence, Const. a. 4, § 5, p. 56. Under what restrictions he may commute convict's sentence, L. 1886, ch. 21, p. 2658. Effect of pardon on person convicted as habitual criminal, Pen. Code, § 692. Power of governor to grant pardon, Crim. Code, §§ 692-5. May order removal of insane person under sentence of death to asylum, L. 1874, ch. 496, p. 2360. Shall employ counsel to defend action to recover state lands or claims inconsistent with its sovereignty, State L., § 11, p. 153. May visit jails and workhouses, Co. L., § 103, p. 627. May require attorney-general to prosecute criminal actions, Ex. L., § 52, p. 375. May sign petition for public improvements for state lands, Ex. L., § 6, p. 369. Must on application of sheriff ORDER OUT the MILITIA, Crim. Code, § 105. May declare county in insurrection and order into service the militia to suppress, §§ 115-7. Duties of governor in regard to the execution of death sentence, upon convict, §§ 493-502. Duty of the governor in relation to fugitive from justice into this state, §§ 827-834. In regard to ordering special elections, Elec. L., § 4, p. 240. Issues commissions as commander-in-chief and may recommend to senate removal of commissioned officers, Const. a. 11, § 6, p. 82.

GRACE, DAYS OF.

Not allowed on checks or sight drafts, L. 1857, ch. 416, p. 2158. Nor on any paper

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unless stipulated therein, L. 1894, ch. 607, p. 2381.

GRAND ARMY OF THE REPUBLIC.

1. May unite with other societies to form a corporation for the purpose of holding real estate, L. 1892, ch. 200, pp. 2845-9. May use room in armories, Mil. Code, § 176, p. 551. May occupy room in capitol for preservation of relics, Pub. Build. L., § 5, p. 492. May take lease of portion of building from any municipal corporation, Gen. Munic. L., § 26, p. 591. Adjutant-General may furnish arms to each post, L. 1886, ch. 668, p. 2688.

2. Controls distribution of town moneys allotted to indigent veterans and relatives, L. 1887, ch. 706, p. 2721. Veterans not to be sent to almshouse without consent of G. A. R. commander and relief committee, § 5, p. 2722. Wearing badge of G. A. R. illegally is a misdemeanor, L. 1885, ch. 8, p. 2626; Pen. Code, § 674a. For incorporation and property rights, see Veteran Soldiers' and Sailors' Associations.

GRAND JURY.

1. DEFINITION. To contain not less than 16 nor more than 23, Crim. Code, §§ 223-4. For what courts grand jury must, and for what may be drawn, §§ 225-6. Order of judge to be filed 20 days before term, §§ 227-8. New jury may be ordered during term, § 235. Reduced by lot if more than 23 attend, § 236.

2. DRAWING and SUMMONING jurors in all counties except Erie, Kings, and New York, for which see special law. Supervisors shall prepare LISTS of 300 annually, R. S., § 1, p. 1937. By order of county judge, number may be increased, §§ 8-9, pp. 1938-9. Particulars necessary in list; to be filed in office of county clerk, § 5, p. 1938. QUALIFICATIONS of persons for list, § 3, p. 1938; Civ. Code, §§ 1027-9. Who are EXEMPT, §§ 1030-1. Who may be EXCUSED, R. S., § 14, p. 1940; Civ. Code, § 1033. Preparation of box; what officers must be present; mode of drawing, R. S., §§ 6, 10-11, 21-2, pp. 1938-9, 1941; Civ. Code, § 1047. When drawing may be made from old list, and when county judge may add names, R. S., §§ 19-20, pp. 1940-1. Sheriffs shall SUMMON six days before court and return list at opening, §§ 12-13, pp. 1939-40. FINES for non-attendance, § 13, p. 1940; Civ. Code, §§ 3351, 1073-7. Ballot drawn to be destroyed or returned to box, §§ 14-18, p. 1940. If less than 16 attend, clerk to draw and sheriff to summon additional, Crim. Code, §§ 220-5. Misconduct of officers in drawing is misdemeanor, Pen. Code, § 76.

3. FEES and MILEAGE allowed to grand jurors; may be increased in New York county, Civ. Code, §§ 3313-4.

4. CHALLENGE to individual juror, by whom made, Crim. Code, § 237. On what grounds, and manner of trying, Crim. Code, §§ 230-42. When court may discharge panel, § 238.

5. Appointment of FOREMAN, Crim. Code, § 244. Oath of foreman and jurors, §§ 245-7.

6. Contents of CHARGE to grand jury, Crim. Code, §§ 248, 252-67.

7. May be assisted by district attorney, Crim. Code, §§ 262-4; or by attorney-general at direction of governor, Ex. L., § 52, p. 375; and by stenographer, L. 1885, ch. 348, p. 2648.

8. Bribery of, a misdemeanor, Pen. Code, § 71. Grand juror disclosing indictment or secrets of jury-room is guilty of misdemeanor, §§ 156-7.

See Indictment.

GRAND LARCENY.

Defined in several degrees and punishment fixed, Pen. Code, §§ 530-4.

See Larceny.

GRANTS.

See Conveyances.

GRAVEYARDS.

See Cemeteries.

GREAT SEAL OF STATE.

What shall be engraved on seal, and when to be used, State L., §§ 40-4, pp. 197-8.

GREENE COUNTY.

State lands in, are in forest preserve, Fish., G. & F. L., § 270, p. 917. Is in third judicial district, L. 1847, ch. 241, p. 2004. In twenty-fifth senatorial district, Const. a. 3, § 3, p. 43. In twenty-first congressional district, L. 1892, ch. 295, p. 2850. Is entitled to one member of assembly, Const. a. 3, § 5, p. 46. Salary of county judge, Co. L., § 222, p. 653.

GROUSE.

See Game.

GUARANTY COMPANY.

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GUARANTY FUND.

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GUARDIAN.

1. Who shall be guardian in socage, R. S., §§ 5-7, p. 1783. Who is entitled to GENERAL GUARDIANSHIP of minor, § 1, p. 1806. How appointed and how removed by surrogate's court, Civ. Code, §§ 2821-41. How appointed by will, §§ 2851-60. Supervision and control of general guardian by surrogate's court, and accountings, §§ 2842-50; Sup. Ct. Rules 52-6. Guardianship of indigent child may be committed to

incorporated orphan asylum, L. 1884, ch. 438, pp. 2618-24. Duties and liabilities of general guardian, R. S., §§ 2-21, p. 1897. Ward may maintain action for waste against, Civ. Code, § 1653. May consent to apprenticing minor, R. S., p. 1899. Trust company may be appointed guardian, Bank. L., §§ 157-8, p. 1105. Or society for prevention of cruelty to children, Mem. Corp. L., § 72, p. 1457. How sureties of guardian may be relieved from liability, L. 1881, ch. 654, p. 2534. Guardian of minor entitled to administration; to be appointed administrator in preference to creditors, Civ. Code, § 2660.

2. **GUARDIAN ad LITEM** to be appointed for infant plaintiffs and defendants, Civ. Code, §§ 468-77; Sup. Ct. Rules 49-51. In partition, §§ 1535-6. Are liable for costs against infant plaintiff, § 3249. May not purchase ward's real estate, § 1679. To furnish bond in action by legatee for distributive share, § 1820. In **JUSTICE'S COURT**, §§ 2887-8. In **SURROGATE'S COURT**, §§ 2530-1.

GUIDE POST.

May be erected by highway commissioners, High. L., § 5, p. 668. Malicious injury to, punishable, Pen. Code, § 640.

GUNPOWDER.

Criminal liability of dealers, Pen. Code, § 201. Unlawful keeping and careless use of, § 389. Punishment for injury to building or vessel by, or attempt to injure, §§ 636, 645.

HABEAS CORPUS.

1. Termed a state writ, Civ. Code, § 1901. Not to be suspended except in cases of rebellion or invasion, Const. a. 1, § 4, p. 27; R. S., p. 1650, § 10. For prisoner committed for contempt, Civ. Code, §§ 2278-82, 157; R. S., p. 1865, § 15; for committed prize-fighter, Pen. Code, § 464; for professional criminals summarily committed as disorderly persons, L. 1873, ch. 357, § 2, p. 2336; for prisoner during session of oyer and terminer, Co. L., § 99, p. 626; for fugitive from other state, Crim. Code, § 827; Civ. Code, § 2054; for life tenant, § 2307; by separated wife, or parents for child, R. S., p. 1895. Sheriff's fees for bringing up prisoner on, Civ. Code, § 3307, sub. 16. Bringing up prisoner without, before oyer and terminer or general sessions, R. S., p. 1943, § 39. **RETURN** to writ, generally, how and when made, Civ. Code, §§ 2004, 2006. Reconfining person discharged upon, Pen. Code, § 379. Concealment of prisoner to elude writ, § 380.

2. **TO BRING UP PERSON TO TESTIFY**; application for, when allowed; penalty for failure to make return, Civ. Code, §§ 2008-14.

3. **TO INQUIRE INTO CAUSE OF DETENTION**; application for; how and to whom made; when writ to issue; proceedings on return; appeal, Civ. Code, §§ 2015-66.

HABITUAL CRIMINALS.

Definition of; supervision; effect of pardon, Pen. Code, §§ 690-2. When convict may be so adjudged; may be summarily arrested and punished as a disorderly person; always liable to search, Crim. Code, §§ 510-14. Destitute child of, may be arrested as vagrant, Pen. Code, § 291.

HABITUAL DRUNKARDS.

Overseers of poor may forbid sale or delivery of liquor to; penalty for disobedience, R. S., p. 1752, §§ 1-2; also a misdemeanor, Exc. L., § 32, sub. 5, p. 1640; revocation of notice, R. S., p. 1754, § 11. Charge may be contested by person so designated, proceedings thereupon, pp. 1753-4, §§ 3-10. Civil action for damages arising from sale to, Exc. L., § 40, and note, pp. 1643-4. Habitual drunkard abandoning family, declared vagrant, Crim. Code, § 887, sub. 2. Arbitration by, not granted, Civ. Code, §§ 2365, 2382. Consent of, not necessary for adoption of child, L. 1873, ch. 830, § 6, p. 2349. May not be executor or administrator, Civ. Code, §§ 2612, 2661. Employment of, by common carriers, forbidden, Exc. L., § 39, p. 1642; High. L., §§ 158-9, p. 716. Service of summons upon, Civ. Code, § 427; of citation, §§ 2526-7; appointment of special guardian for, in surrogate's court, § 2530. Committee of property of habitual drunkard; presentation and payment of claims, L. 1893, ch. 697, p. 2934. (See Committee.) Exempt from military duty, Mil. Code, § 2, sub. 6, p. 502. Female habitual drunkard may be committed to house of refuge at Hudson, L. 1881, ch. 187, § 8, p. 2512. Disposition of real property of, Civ. Code, §§ 2345-64; R. S., p. 1799, § 65.

HALF-BLOOD.

Relatives of, to inherit equally with those of whole blood, R. S., p. 1827, § 15; Civ. Code, § 2732, sub. 13.

HALF-HOLIDAY.

Defined, Stat. Const. L., § 24, p. 115; to be treated as Sunday, as to business in public offices, Pub. Off. L., § 41, p. 339. Election registry boards may sit on, Elec. L., § 41, p. 268. Protest of promissory notes on, L. 1875, ch. 27, p. 2381.

HALF-WINE.

Defined; packages to be branded; penalty, Pub. H. L., §§ 48-9, p. 809; also a misdemeanor, Pen. Code, § 438b.

HALF-YEAR.

Defined, Stat. Const. L., § 25, p. 116.

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HAMILTON COUNTY.

Is in fourth JUDICIAL district, L. 1847, ch. 241, p. 2004; in twenty-seventh SENATORIAL district, Const. a. 3, § 3, p. 43; in twenty-second CONGRESSIONAL district, L. 1892, ch. 295, p. 2850; is entitled to one member of assembly in common with Fulton county, Const. a. 3, § 5, p. 46. Salary of county judge, Co. L., § 22, p. 653. Co. judge or surrogate need not be an attorney, Const. a. 5, § 20, p. 60. May be abolished by legislature, Const. a. 3, § 5, p. 46.

2. Forest preserve includes state lands within; such lands also in Adirondack park, Fish., G. & F. L., §§ 270, 290, pp. 917, 927. Protection of game in, § 49, p. 879.

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Interfering with navigation in, a misdemeanor, Pen. Code, § 444.

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HAWKERS AND PEDDLERS.

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Baled hay, sale regulated, L. 1875, ch. 175, p. 2385. Pressed hay, marking and packing regulated; penalty, R. S., §§ 5-9; L. 1860, ch. 155, § 1, p. 1723. Violations a misdemeanor, Pen. Code, §§ 406, 585a.

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1. STATE BOARD of; how constituted; general powers and duties; annual report, Pub. H. L., §§ 2-12, pp. 788-93. Duties in respect to adulterations, §§ 42-50, pp. 806-10.

(See Adulteration.) To suppress tuberculosis and glanders; destruction of domestic animals infected therewith, §§ 60-5, pp. 810-4; to provide for protection of public water supplies, §§ 70-2, pp. 814-5; to direct nature of tests of illuminating oils, L. 1882, ch. 292, § 3, p. 2544; to make quarterly reports to comptroller, L. 1894, ch. 358, p. 3101. May prescribe form of report to local board by physician of public institutions for children, Pub. H. L., § 204, p. 866. Plans of proposed sewerage systems in towns outside incorporated villages to be submitted to, L. 1893, ch. 545, § 1, p. 2923. Violation of regulations of state board, a misdemeanor, Pen. Code, §§ 396-7. Extra copies of reports, Leg. L., § 76, p. 362. Seats to be provided for female employes, L. 1881, ch. 298, p. 2525.

2. LOCAL city boards; how constituted; general powers and duties; to regulate burials; abate nuisances; Pub. H. L., §§ 20-8, 32, pp. 794-804; jurisdiction of town and village boards, §§ 29, 31, p. 803. Expenses, how paid, § 30, p. 803. Compensation of village boards, L. 1895, ch. 430, p. 3046. Local boards to investigate complaints against public institutions for children, Pub. H. L., § 204, p. 866. Registration of plumbers by, L. 1892, ch. 602, pp. 2877-83. In cities of first class, to receive reports from licensed lodging-houses, L. 1895, ch. 758, pp. 3088-9. Violations of regulations of, a misdemeanor, Pen. Code, §§ 396-7. Ordinances of, may be read in evidence, Civ. Code, § 941.

3. STATE BUREAU of VITAL STATISTICS, to be maintained at capital by state board of health; duties; local health boards to forward registration certificates to, Pub. H. L., §§ 5, 22, pp. 790, 797.

4. HEALTH OFFICERS at ports of entry to require bills of health from shipmasters, Pub. H. L., § 104, p. 825.

5. Health officer of port of New York. Appointment; qualifications; general powers and duties; lien for services and expenses; fees; annual report, Pub. H. L., §§ 100-131, pp. 822-37. Disobedience to orders of, how punished, Pen. Code, §§ 391-7. (See Quarantine.)

6. INFECTIOUS and CONTAGIOUS DISEASES. Regulations to prevent in children's institutions, Pub. H. L., §§ 203-4, pp. 865-6. In case of outbreak, prisoners may be removed, R. S., p. 1968, § 92; inmates of county almshouse may be removed, Pub. H. L., § 24, p. 799; place for holding court changed, Civ. Code, § 38. Local health boards to guard against and to report cases to state board, Pub. H. L., § 24, p. 798. Transportation of corpse, if death caused by, § 23, p. 798. Vagrants having, Crim. Code, § 887. Exposing person affected with, in public place, a misdemeanor, Pen. Code, § 434. VACCINATION may be required of school children;

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appointment of physician, Pub. H. L., §§ 200-1, pp. 863-4.

7. Infectious or contagious diseases, except tuberculosis and glanders, affecting domestic animals, to be suppressed by com. of agr., Ag. L., §§ 60-9, pp. 955-8; similar rights granted to federal inspectors, § 70, p. 958. Tuberculosis and glanders to be suppressed by state board of health, Pub. H. L., §§ 60-5, pp. 810-4.

8. Conspiracy to commit act dangerous to public health, Pen. Code, § 168. Act endangering, a misdemeanor, if no other punishment is prescribed, § 675.

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HEATING.

Passenger cars by stoves or furnaces prohibited, R. R. L., § 51, p. 1281; a misdemeanor, Pen. Code, § 423.

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HEIRS.

Meaning of, in certain remainders, R. S., p. 1791, § 22. Not requisite to create or convey fee, p. 1822, § 1. Production of pretended heir, a felony, Pen. Code, § 151.

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HEREAFTER, HERETOFORE.

Defined, Stat. Const. L., § 9, p. 111.

HERKIMER COUNTY.

1. Is in fifth JUDICIAL district, L. 1847, ch. 241, p. 2094; in thirty-third SENATORIAL district, Const. a. 3, § 3, p. 43; in twenty-fifth CONGRESSIONAL district, L. 1892, ch. 295, p. 2850; has one member of ASSEMBLY, Const. a. 3, § 5, p. 46. Compensation of county judge, Co. L., § 222, p. 653. Jail liberties in, Civ. Code, § 145.

2. Forest preserve includes state lands within, Fish., G. & F. L., § 270, p. 917; certain lands of state in, included in Adirondack park, § 290, p. 927. Protection of game in, § 49, p. 880.

HERKIMER, GENERAL NICHOLAS.

Commissioners appointed to erect monument to, L. 1895, ch. 618, pp. 3076-77.

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Is ch. 19 of the general laws, pp. 665-722.

HIGHWAY COMMISSIONERS.

1. FILLING and VACATING the office; town may determine number; elected at annual town meeting; term of office, Town L., §§ 12, 17, 24, sub. 2, pp. 727, 729, 733; Const. a. 10, § 2, p. 80; are local officers, Pub. Off. L., § 2, p. 325. To be ELIGIBLE to the office, must be of full age, citizen of U. S., and a resident and elector of town, Pub. Off. L., § 3, p. 325; Town L., § 50, p. 744. (See, under Public Officers, convictions which dis-

qualify for holding office.) HOLD OVER after expiration of term until successors chosen and qualify, Town L., § 12, p. 727; Pub. Off. L., § 5, p. 326. COMPENSATION, \$2 for each day actually devoted to duties of office, Town L., §§ 178, 166, pp. 773, 770; a town charge, § 180, p. 774. (See, under Towns, town charges, how audited and collected.) Form, execution, effect and filing of BOND, §§ 63, 66, pp. 748-9. OFFICIAL OATH must be taken and filed with town clerk within 10 days after notice of election or office forfeited; form of oath; what officers may administer oaths; no fees to be charged therefor, §§ 51, 56, pp. 744, 746; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289. Entering upon duties of office without filing oath, a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. (As to convictions which work FORFEITURE of office, see Public Officers.) RESIGNATION must be in writing, addressed and delivered to town clerk, and may be accepted by three justices of the peace, Pub. Off. L., § 21, p. 334; Town L., § 64, p. 740. VACANCIES in office, how created and filled, Pub. Off. L., § 23, p. 333; Town L., §§ 12, 65, pp. 727, 749; to deliver books and papers to successors; penalty for refusal, Town L., § 84, p. 752; Pen. Code, § 57.

2. POWERS and DUTIES, generally, High. L., §§ 3-4, p. 666; if there be but one he is to act as board, § 3, p. 666; Stat. Const. L., § 18, p. 114. To designate one of their number as treasurer, High. L., § 2, p. 666. Board of trustees of incorporated village to be highway commissioners therefor, L. 1870, ch. 291, t. 7, § 1, p. 202. Powers as to unsafe toll bridges; water-pipes in highways, High. L., §§ 13, 14, pp. 672-3; may annex permit to certificate of water-works corporation, Trans. Corp. L., § 80, p. 1359; as to pipe-lines in highways, § 45, p. 1348. May bring actions in name of town for injuries to, § 15, p. 673; Town L., § 182, p. 774; to sue for penalties generally, High. L., § 164, p. 718; to prosecute overseers of highways for penalties incurred; penalty for refusal or neglect, § 23, p. 677. Upon request of board of supervisors to make survey and record of highways in town, Co. L., § 72, p. 620. Supervision, etc., of turnpike and plank-road corporations; duties as inspectors of, Trans. Corp. L., §§ 122-3, 133-4, pp. 1367, 1372-3. To erect milestones and guideboards; may purchase road-machines, stone-crushers and materials, High. L., §§ 5-7, pp. 668-70; may agree with village trustees for use of crushers, § 8, p. 671. May acquire gravel-beds by purchase or condemnation, L. 1891, ch. 309, p. 2833. Extraordinary repairs by; how audited, High. L., §§ 10-11, p. 671. Duties and powers as to free bridges, §§ 132-145,

pp. 710-4. Annual reports, § 19, p. 674. Meetings, when held, § 30, p. 678. Accounts, how made out, § 12, p. 672; how verified, Town L., § 167, p. 770. Action by town against; town board may audit unpaid judgment recovered against commissioners, High. L., §§ 17-18, p. 674. May apply for vote of additional tax if \$500 insufficient for highway and bridge expenses, § 9, p. 671; to substitute wire fences to prevent snowdrifts, L. 1890, ch. 291, p. 2803. Not to exclude bicycles from use of highways, High. L., § 163, p. 717. To order inhabitants to extinguish fires in woods, Town L., § 82, p. 751; Fish., G. & F. L., § 278, p. 923. May contract for fire engines, Town L., § 171, p. 771.

See Highways; Bridges.

HIGHWAYS.

1. ACTIONS in name of town for injuries to highways, High. L., § 15, p. 673; Town L., § 182, p. 774; against town for defective highways, § 16, p. 673; by town against commissioners, § 17, p. 674; town board may audit claims for damages without action, § 18, p. 674.

2. LAYING OUT, ALTERING, and DISCONTINUING. Special legislation for laying out highways prohibited, Const. a. 3, § 18, p. 50. Lands to be regarded as highway if so used by public for 20 years, High. L., § 100, p. 704. Commissioners may lay out or alter highway by dedication or otherwise, by filing order in town clerk's office; survey to be incorporated in order, §§ 80-1, p. 695. Written application for laying out, altering or discontinuing highway; appointment of commissioners by co. court; proceedings thereupon, §§ 82-8, 123, 151, pp. 695-8, 709, 715. Limitations upon laying out highways through orchards, and burying grounds, §§ 90-1, pp. 698-700; through Indian reservation, Ind. L., § 12, p. 208. Damages must be ascertained by jury or by commissioners appointed by court, Const. a. 1, § 7, p. 33. Costs, by whom paid; compensation of commissioners; costs against town, how audited and paid, High. L., §§ 92-3, 152, pp. 700-1, 715. Final determination to be filed in town clerk's office; to be executed by highway commissioners, §§ 98, 150, pp. 704, 714. Damages for additional fence if highway laid along division lines, § 122, p. 709. Removal of fences upon laying out of highways, § 101, p. 704. Procedure for widening highways, L. 1893, ch. 607, pp. 2929-31; for opening, altering or improving highway extending into two towns if officers disagree, §§ 94-6, pp. 701-3; if highway on town line, § 97, p. 703. When highway deemed ABANDONED; commissioners to record discontinuance in town clerk's office, § 99, p. 704. PRIVATE ROAD, written application to be made for; proceedings of jury to assess damages; papers to be recorded in town

clerk's office; fees of officers; purpose of private road, High. L., §§ 106-23, pp. 706-9.

3. LABOR, ASSESSMENT FOR. Overseers to furnish lists of inhabitants liable to work on highways, High. L., § 31, p. 678. Who not liable, § 33, sub. 2, p. 679; R. S., p. 1749, § 72; L. 1874, ch. 446, t. 3, § 11, p. 2367; t. 4, p. 2375; t. 5, § 2, p. 2376; § 3, p. 2379; L. 1879, ch. 280, § 15, p. 2459; L. 1862, ch. 220, § 10, p. 2186. List and valuation of nonresident lands to be made by commissioners, High. L., § 32, p. 679. Apportionment and assessment of labor, how made, § 33, p. 679. Copies of lists to be delivered to overseers; names omitted; appeal by non-residents; credit on private roads, §§ 34-7, p. 681. Assessment of tenants; may deduct assessment from rent, §§ 38-9, pp. 681-2. Reassessment in case of neglect to work; correction of omissions of town assessors; new assessment of labor by overseers if deemed insufficient, §§ 40-2, p. 682. Abatement of tax for shade trees, sidewalks, watering-trough, for removal of fence to prevent snowdrifts, for street lamps, for using wide wagon tires, §§ 43-8, 72-4, pp. 682-4, 693. Allotment of labor on highways on lines between towns, etc., L. 1870, ch. 311, pp. 2314-5.

4. Systems of taxation for working highways enumerated; town may vote to change its system, §§ 49-52, pp. 684-5. Annual tax under MONEY SYSTEM; incorporated village constituting separate road district exempt therefrom, § 53, p. 685. Board of supervisors may adopt COUNTY ROAD SYSTEM; apportionment of expenditures; may issue county bonds; county engineer, §§ 54-7, pp. 686-7; board may lay out county roads, Co. L., § 61, p. 615; money system to prevail in town of county which has adopted county system, High. L., § 58, p. 687. In towns where money system adopted, com'rs to file contracts relating to highways, L. 1895, ch. 717, p. 3087. As to power of highway com'rs to alter STATE ROAD, L. 1817, ch. 83, p. 1995.

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4. State courts have **JURISDICTION** of actions where not conferred on peacemakers' courts, Ind. L., § 5, p. 204.

5. Tribal **LANDS** are exempt from taxation, Ind. L., § 6, p. 204. May be divided and held in severalty, § 7, p. 205. When and how intrusion and residence upon of other Indians or whites may be legalized, §§ 8-11, pp. 205-8.

6. Commissioners of **HIGHWAYS** may lay out and maintain highways over reservation, Ind. L., § 12, p. 208. Railroads may acquire right of way, R. R. L., § 9, p. 1258.

7. The funds of Indians and questions in relation to lands, treaties and contracts are under **CONTROL** of **COMMISSIONERS** of the land office, Ind. L., § 13, p. 208. Commissioners shall invest funds and apply income to education of Indians, § 14, p. 209.

8. Are not subject to tolls and ferriage, Ind. L., §§ 15, 26, pp. 209, 212.

9. **PAUPER** Indians to be removed to almshouse and maintained at state expense,

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10. **ONONDAGA INDIANS.** Appointment, term of office and duties of agent, Ind. L., §§ 20-1, p. 210. Consent necessary to contracts and leases, §§ 23-4, p. 211. Restrictions on removal of timber, § 22, p. 211. Board of supervisors of Onondaga county to furnish medical attendance at state expense, § 25, p. 212.

11. **SENECA INDIANS.** Distinguished as Seneca nation and Tonawanda nation, Ind. L., § 40, p. 213. Officers and time and place of election of Seneca and Tonawanda nations, §§ 41-5, pp. 213-6. Courts of peacemakers, jurisdiction, records, costs and fees, §§ 46-9, pp. 217-9. Appeals from peacemakers' courts, §§ 51-2, pp. 219-20. Enforcement of judgments and duties of marshal, §§ 53-4, p. 220. How and when Seneca and Tonawanda nations may prosecute actions, § 55, pp. 221-2. Allotment of lands in severalty, § 56, p. 222. Regulations in regard to timber, § 59, p. 223. Villages on Allegany reservation not a part of the Indian lands, § 71, p. 224. Powers and duties of the president, council and attorney of the Seneca nation, §§ 72-7, pp. 225-6. Of the council and attorney of the Tonawanda nation, §§ 80-1, p. 227. Contracts for sale of gypsum by Tonawanda nation, § 84, p. 229. Payment of annuities to Tonawandas, § 85, p. 229. Actions for trespass against Indian occupying common or occupied lands in Tonawanda reservation, §§ 86-7, pp. 229-30.

12. **TUSCARORA NATION.** Allotment of lands and sales of timber, Ind. L., §§ 90-3, pp. 230-1. Highways and highway labor, § 94, p. 231.

13. **SAINT REGIS INDIANS.** Appointment and duties of attorney, Ind. L., §§ 100-1, pp. 232-3. Allotment of lands and sales of timber and stone, §§ 102-5, p. 233. Jurisdiction and powers of council, §§ 106-7, p. 234.

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2. In what county indictment shall be found, Crim. Code, §§ 133-8. Indictment may be found for certain crimes committed without the state, Pen. Code, §§ 185-212. Where indictment for libel shall be tried, §§ 249-52. Where indictment for bigamy may be found,

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2. May not discriminate against guest on account of color, L. 1881, ch. 400, p. 2527; L. 1895, ch. 1042, p. 3123; Pen. Code, § 383.
3. LIABILITY for loss of property and clothing of guest limited, L. 1855, ch. 421, pp. 2141-2. Not liable for property of guest destroyed by fire if result of incendiarism, L. 1866, ch. 658, p. 2238. Proprietors of hotels over two stories in height must provide fire-escapes; penalty for violation, L. 1887, ch. 720, p. 2730.
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2. PROCEEDINGS FOR DISPOSITION OF REAL PROPERTY of, Civ. Code, §§ 2345-64; R. S., p. 1799, § 65. Contents of petition therefor, Sup. Ct. Rule 55.

3. COMMITMENT of insane, not to be made except upon certificate of physician; approval thereof by judge, L. 1874, ch. 446, t. 1, § 1, p. 2355; qualifications of certifying physician, § 2, p. 2355; L. 1889, ch. 283, § 7, p. 2750; may not certify for commitment to asylum with which connected as proprietor or attendant, L. 1874, ch. 446, t. 1, p. 2355. State commission in lunacy may make investigation where person believed to be wrongfully deprived of liberty, L. 1889, ch. 283, § 13, p. 2753. Only those private asylums licensed by state commission in lunacy entitled to receive patients, § 12, p. 2753; Pen. Code, § 445. Temporary confinement of dangerous lunatic pending procurement of certificate; unlawful confinement, L. 1874, ch. 446, t. 1, §§ 6-10, pp. 2356-7; R. S., p. 1752, § 8; Pen. Code, § 377. Appeals to supreme court, L. 1874, ch. 446, t. 1, § 11, p. 2357. Duty of committee to confine and maintain lunatic, §§ 37, 14, pp. 2363, 2359; Civ. Code, § 2321. Father, mother and children are only relatives bound to support lunatic, Crim. Code, § 914; their duty to confine him, L. 1874, ch. 446, t. 1, § 12, p. 2358; remedies to compel relatives to maintain, § 13, p. 2358; Crim. Code, §§ 915-20, 926. Commitment and support of indigent insane, L. 1874, ch. 446, t. 1, § 14, p. 2359. Powers of county superintendents, § 19, p. 2360; of courts not abridged, § 18,

p. 2359. Insane woman to have woman attendant while being transported, L. 1890, ch. 126, § 6, p. 2783; L. 1890, ch. 40, p. 2779; L. 1894, ch. 363, § 15, p. 2972. Commitment of indigent insane INDIANS by state board of charities; maintenance at expense of state, L. 1888, ch. 451, p. 2738.

4. COMMITMENT of INSANE CRIMINALS, generally; appointment of commission; if found insane, de't to be committed to asylum, Crim. Code, §§ 658-662; L. 1874, ch. 446, t. 1, § 26, p. 2361; governor's power if person sentenced to death be insane, § 21, p. 2360; cost of commission, by whom paid, § 22, p. 2361; insane criminals to be committed to Matteawan State Hospital, L. 1893, ch. 81, pp. 2901-6. Commitment of civil prisoners, L. 1874, ch. 446, t. 1, § 27, p. 2361; of persons acquitted on ground of insanity, Crim. Code, § 454. Payment of transportation expenses, L. 1890, ch. 126, § 6, p. 2783; L. 1874, ch. 446, t. 1, § 29, p. 2362; Crim. Code, § 662; of expense of maintenance at asylum, L. 1893, ch. 81, § 13, p. 2906; L. 1874, ch. 446, t. 1, § 32, p. 2362. DISCHARGE upon recovery, § 33, p. 2362; Crim. Code, §§ 454, 661.

5. Insane, defined, L. 1874, ch. 446, t. 3, § 37, p. 2373; L. 1890, ch. 126, § 15, p. 2787. ACTION by next friend to annul marriage, Civ. Code, § 1755; by committee of insane widow for dower, §§ 2340, 1596ff; service of summons upon, §§ 426-9; of citation, §§ 2526-7. Special guardian ad litem for, §§ 428, 2527. PERIOD OF DISABILITY not part of time limited for commencement of action, §§ 375-6, 1291, 1527, 1596, 1646. INCAPABLE of aliening land, R. S., p. 1784, § 10; or devising land, p. 1875, § 1; of making will of personal estate, p. 1876, § 21; of appearing in civil action, Civ. Code, § 55; of marrying, Civ. Code, §§ 1743, 1747-8; can not consent to rape, Pen. Code, § 278; solemnizing marriage of, a misdemeanor, Pen. Code, § 376. Consent to adoption of child not necessary, L. 1873, ch. 830, § 6, p. 2349. Submission to arbitration can not be made by, Civ. Code, § 2365. Witness becoming insane, his deposition may be read in evidence, Crim. Code, § 8; on petition for revocation of probate, Civ. Code, § 2651. Use of force permissible in restraining, Pen. Code, §§ 223, sub. 6, 377. Criminal liability of insane, §§ 17, 20-3. Exhibition of insane child a misdemeanor, § 292. Exempt from military duty, Mil. Code, § 2, p. 502; from highway labor, High. L., § 33, p. 679; from arrest, Civ. Code, § 554. Statistics as to insane in each county to be prepared annually, L. 1842, ch. 135, § 44, p. 2064.

See Idiots; Insanity.

6. STATE COMMISSION IN LUNACY established; general powers and duties; annual reports; office of state commissioner in lunacy abolished, L. 1889, ch. 283, pp. 2748-56; as to quarterly reports to comp-

troller, L. 1894, ch. 358, p. 3101; annual estimates of probable number of patients and probable expense, L. 1890, ch. 126, § 12, p. 2786; may revise monthly estimates of sup'ts of hospitals; audit transportation expenses of insane; return nonresident insane; appoint agents to collect pay for support, L. 1893, ch. 214, pp. 2909-12; power as to transfer of patients, L. 1890, ch. 126, §§ 3, 6, 8, pp. 2781, 2783-4; to assign number of patients to new hospital, § 2, p. 2781; may recommend establishment of new hospitals or buildings, § 10, p. 2785; to approve plans for hospital buildings, L. 1894, ch. 358, p. 2910; to classify and determine wages of employes; to approve blank forms, L. 1895, ch. 693, pp. 3085-6. To be a member of board to fix prices of prison-made articles, R. S., p. 1972, § 107. State Charitable Aid association to make annual report to, L. 1893, ch. 635, § 3, p. 2932.

7. STATE CARE. Board to fix state hospital districts; redistricting; expenses thereof; each hospital to receive patients from its own district unless buildings filled; Middletown hospital may receive homoeopathic patients from any district, L. 1890, ch. 126, §§ 1-2, 5, 9, 13, 19, pp. 2790-6, 2788; provision of state hospital buildings, §§ 4, 10, pp. 2782, 2785; L. 1894, ch. 358, p. 2910. TRANSFERS of patients, L. 1890, ch. 126, §§ 3, 6, 8, pp. 2781, 2783-4; of indigent soldiers to asylums, L. 1887, ch. 706, § 5, p. 2722; of state reformatory prisoners, L. 1887, ch. 711, § 11, p. 2727; of insane Indians, L. 1888, ch. 451, p. 2738; of insane inmate of Soldiers' and Sailors' Home, Pub. Build. L., § 43, p. 500; of epileptic patient of Craig colony becoming insane, L. 1894, ch. 363, § 15, p. 2972. Insane to be cared for at state expense, L. 1890, ch. 126, §§ 7, 11, 16-7, pp. 2783, 2785, 2788. How New York may come under "state care act," § 14; L. 1892, ch. 531, § 2, p. 2787; Monroe county brought under act, L. 1891, ch. 335, p. 2834; Kings county, L. 1895, ch. 628, p. 3078.

8. HOSPITALS. Name of several state asylums changed to hospitals, L. 1890, ch. 132, pp. 2788-9; each hospital, except Matteawan, to be provided with resident woman physician, L. 1890, ch. 243, p. 2800; to be subject to visitation, inspection and, on approval of justice of sup. ct., to direction of state com. in lunacy, L. 1889, ch. 283, §§ 10, 11, 13, pp. 2752-3; no patient to pay more than \$10 per week or to occupy more than one room, L. 1895, ch. 693, p. 3086. Precautions to be observed to protect buildings and patients from fire, L. 1895, ch. 535, p. 3051. Private asylums can not receive patients unless licensed by com. in lunacy, L. 1889, ch. 283, § 12, p. 2753; Pen. Code, § 445. Stewards to prepare monthly estimates of expenses; duties and bond of treasurers, L. 1893, ch. 214, §§ 2-4, pp.

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2909-11. Managers may appoint special policemen, L. 1874, ch. 446, t. 1, § 35, p. 2363; officers exempt from jury and military duty, § 36, p. 2363; Civ. Code, §§ 1030-1; Mil. Code, § 2, p. 502.

9. Binghamton State Hospital, establishment and administration; discharge of patients; exemptions of officers, L. 1879, ch. 280, pp. 2454-61; governor to appoint two additional trustees, L. 1880, ch. 61, p. 2453.

10. Buffalo State Hospital, establishment and administration, L. 1874, ch. 446, t. 6, pp. 2377-8. Collins Farm State Homoeopathic Hospital, L. 1804, ch. 707, pp. 2988-94. Hudson River State Hospital, L. 1874, ch. 446, t. 5, pp. 2376-7.

11. Long Island State Hospital, transfer to from Kings County Lunatic Asylum, general administration, L. 1895, ch. 628, pp. 3078-82.

12. Matteawan State Hospital, establishment and purposes; general administration; admission and transfer of convicts; recovery by sup't for support of patients, L. 1893, ch. 81, pp. 2901-6.

13. Middletown State Homoeopathic Hospital, establishment and administration, L. 1874, ch. 446, t. 7, pp. 2378-80; trustees not to be interested in contracts with, § 2, p. 2379; a misdemeanor, Pen. Code, § 473; as to filling vacancies in board of trustees, L. 1876, ch. 121, p. 2379; may receive homoeopathic patients from any county, L. 1890, ch. 126, § 13, p. 2786.

14. Rochester State Hospital, transfer to from Monroe County Insane Asylum; general administration, L. 1891, ch. 335, pp. 2834-6. St. Lawrence State Hospital, establishment and administration; admission and maintenance of patients, L. 1887, ch. 375, pp. 2702-9.

15. Utica State Hospital, establishment and administration; powers and duties of officers; admission and discharge of patients; liability for maintenance of patients; water supply, L. 1874, ch. 446, t. 3, pp. 2364-73. Managers to be paid their expenses, L. 1842, ch. 135, § 47, p. 2371.

16. Willard State Hospital, establishment and administration, L. 1874, ch. 446, t. 4, pp. 2373-6; chronic pauper insane from all counties to be sent to Willard hospital, § 10, p. 2376; but com. in lunacy may exempt counties from operation of this provision, L. 1889, ch. 283, § 20, p. 2755; discharge of patients, L. 1881, ch. 190; L. 1885, ch. 178, p. 2374; appointment of physicians, L. 1878, ch. 86; L. 1881, ch. 190, p. 2375.

INSANITY.

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case may allow use of deposition previously taken, Crim. Code, § 8; or in civil case, Civ. Code, § 830. Is ground of challenge to juror, Crim. Code, § 239. Insanity of def't must be alleged in plea and affirmatively established, § 336. When prisoner shall be acquitted on ground of insanity, and commitment to hospital, § 454. When insanity is ground for arrest of judgment, § 481. How question of insanity shall be tried before or after trial, §§ 658, 662. Protest by city notary if payor insane, Civ. Code, § 925.

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INSOLVENT DEBTOR.

Discharged from debts by application to court with consent of creditors, Civ. Code, §§ 2149-52. Proceedings on petition for discharge, §§ 2152-87. How exempted from arrest or discharged from imprisonment, §§ 2188-99.

INSPECTOR-GENERAL.

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INSPECTORS.

1. Inspectors of GAS METERS shall be appointed by the governor at a salary of \$5,000; shall appoint deputy inspectors; inspect and seal gas meters used in the state, Trans. Corp. L., § 62, p. 1355.

2. Of DAMAGED GOODS; shall be appointed by mayor in certain cities or by judges of county court; have charge of the sale of goods damaged at sea, R. S., §§ 9-10, pp. 1712-3.

3. Of ELECTIONS; are appointed by the mayors of several cities, and hold their office for one year; duties in respect to opening elections and canvass of votes, El. L., §§ 11, 100, 108, 114-5, pp. 246, 291, 302, 306. (See, also, Elections.) Misconduct of inspectors punishable, Pen. Code, § 411, 41j. Of corporate elections, Stock Corp. L., § 28, p. 1012.

4. Of FACTORIES, see Factory Inspector.

5. Of plank ROADS, commissioners of highways are; duties and fees in inspecting and reporting on plank roads, Trans. Corp. L., § 134, p. 1373.

5. Of RAILROADS; to be appointed by railroad commissioners; must be a civil engineer; to inspect railroads under order of commissioners, R. R. L., § 153, p. 1332. Salary to be fixed by board; not over \$3,000, § 169, p. 1338.

6. Of SALT; to be appointed by superintendent of salt springs at salary of \$600; duties in regard to inspection and branding of salt, Salt Springs, L., §§ 13, 14, pp. 473-4.

7. SHORE inspector; to be appointed by governor for term of three years from the counties of Kings or Richmond. His duties in respect to violations of navigation act, L. 1875, ch. 604, §§ 4-7, pp. 2415-8.

8. Of steam **BOILERS**; may be employed by certain insurance companies, Ins. L., § 70, sub. 7, p. 1160.

INSURANCE.

Of lottery tickets forbidden, Pen. Code, § 330. Burning structure to obtain insurance is arson, § 488. Penalty for destroying vessel to obtain insurance, § 575. Penalty for false statement in application for insurance, § 577a; for discrimination in life insurance business, § 577b. Acting as agent without certificate, § 577c. For using other than standard policy, 577d. For overcharges on canal insurance, § 577e. Misconduct in insurance of domestic animals, § 577f. For reinsuring in an unauthorized company, § 577g. Misconduct of agent of co-operative company, § 577h. Agent acting after revocation of authority, § 577i. Agent acting for insurance corporation which has not designated attorney for service, § 577j. Penalty for destroying insured property, § 578. For presenting false proof of loss, § 579.

INSURANCE CORPORATIONS.

- A. Corporations other than fraternal and co-operative.
- B. Fraternal.
- C. Town or county co-operative.

A. Corporations other than fraternal and co-operative.

a. Provisions common to all insurance corporations other than fraternal and co-operative, and Lloyds incorporated before Oct. 1, 1892, Ins. L., § 57, p. 1158.

1. **METHOD OF INCORPORATION.** **DECLARATION** containing charter must be presented to superintendent of insurance, Ins. L., § 10, p. 1135. If approved by attorney-general, and after a satisfactory examination by superintendent of assets, charter and declaration to be filed with superintendent of insurance, §§ 10-11, p. 1135; provided the incorporators certify under oath to payment of capital stock or possession of necessary insurance engagements, § 11, p. 1135. **DEPOSIT** of securities to be made with superintendent before authorization to do business is issued, § 11, p. 1135. Shall consist of specified securities, § 13, p. 1136. Superintendent shall then file declaration and charter and issue certificate of authority, §§ 11, 9, pp. 1135, 1134. Fee to be paid before filing, Gen. Corp. L., § 5, p. 976. Fee of superintendent is \$30 and \$5 for certificate of authority, Ins. L., § 6, p. 1132. Of county clerk six cents and 10 cents per folio, Civ. Code, § 3304.

2. **REORGANIZATION** of existing corporation under insurance law, Ins. L., § 52, p. 1156.

3. **CHARTER** may be **CHANGED** by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, cer-

tificate of incorporation may be amended, § 7, p. 977; Ins. L., § 52, p. 1156. Name may be changed by court, Civ. Code, §§ 2411-7. Business may be altered or extended, Stock Corp. L., § 32, p. 1015. May increase or reduce amount of capital stock, or number of shares, §§ 44-6, 56, pp. 1020-1, 1026. Or number of directors, § 21, p. 1009.

4. **CERTIFICATE** presumptive evidence of incorporation and of facts recited, Gen. Corp. L., § 9, p. 978. Certified copy as evidence, Civ. Code, §§ 933, 957-8. If certificate filed be lost, may be replaced, Gen. Corp. L., § 8, p. 977. May contain any provision not exempting directors or stockholders from obligations imposed by law, § 10, p. 978. May provide for preferred stock, Stock Corp. L., § 47, p. 1021. For cumulative voting, Gen. Corp. L., § 20, p. 983. Name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976.

5. Must commence business within two years or charter forfeited, Gen. Corp. L., § 31, p. 988.

6. **CORPORATE POWERS**; has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978. Perpetual succession for what period, § 11, sub. 1, p. 978; § 32, p. 988. May adopt and alter corporate seal, § 11, sub. 2, p. 978. If none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112. May sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74. May make by-laws, Gen. Corp. L., § 11, p. 978. May take property by grant or will, and dispose of the same, Gen. Corp. L., §§ 11, 13, 14, pp. 978, 980. For what purposes may hold real estate, Ins. L., § 20, p. 1139. Improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3. Bonds not to be issued for less than market value, Stock Corp. L., § 42, p. 1019. May be converted into stock, § 2, p. 1004. May guaranty bonds of other corporations; sell property and franchises of another corporation, Stock Corp. L., §§ 40, 33, pp. 1017, 1015. When and how corporation may **REINSURE** in another company, Ins. L., § 22, p. 1140. Receiver may reinsure by order of court with approval of superintendent of insurance and attorney-general, § 23, p. 1140. May not insure one risk to amount greater than 10 per cent. of capital and surplus, § 24, p. 1141.

7. **BY-LAWS**; adopted by stockholders control directors; directors may make if stockholders do not, Gen. Corp. L., §§ 11, 29, pp. 978, 987. May provide for management of property and regulation of affairs, § 11, p. 978. Manner of transferring stock, § 11; p. 978; stock Corp. L., § 40, p. 1017. Time and place of election of directors and calling of stockholders' meetings, § 20, p. 1009; Gen. Corp. L., § 11, p. 978. Fix

quorum of stockholders' meetings, § 11, p. 978. Manner of appointing inspectors of election, Stock Corp. L., § 28, p. 1012. Prescribe powers and duties of officers, § 27, p. 1012. Manner of filling vacancies, § 20, p. 1009. What proportion of quorum of directors must concur to constitute action, Gen. Corp. L., § 39, p. 992.

8. **CERTIFICATE OF AUTHORITY** from state superintendent must be issued and recorded before corporation can do business; shall transact no insurance business not authorized by certificate, Ins. L., § 9, p. 1134. Certificate not to be granted until attorney-general has approved declaration and charter, § 10, p. 1135. After approval by attorney-general, superintendent shall cause examination of company and sworn certificate of examiner that corporation has cash or investments required by law; all engagements of insurance, if a mutual, shall be filed with superintendent, § 11, p. 1135. Must be revoked if capital is impaired 25 per cent., except of life insurance company, § 41, p. 1150. Of foreign corporation must be revoked if it applies to remove an action to U. S. court, § 30, p. 1145. Certified copy to be filed in office of county clerk and published, § 31, p. 1146. Must be renewed annually, § 32, p. 1146. Penalty for acting without authority or failing to renew certificate annually, § 50, p. 1155.

9. **CORPORATE MEETINGS and ELECTIONS.** Directors to be elected by stockholders; other officers to be elected annually by stockholders, or by and from board of directors, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Times, places and notices thereof, manner of calling meetings, quorum of directors; manner of appointing inspectors of election, to be regulated by by-laws, Stock Corp. L., §§ 20-8, pp. 1009-12; Gen. Corp. L., § 11, p. 978. Directors chosen by plurality vote; at least one-fourth of directors must be elected annually, Stock Corp. L., § 20, p. 1009. Qualifications of voters, proxies, challenges, appointment of inspectors; special meetings and election procedure generally, review of election by court, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012. Voting or giving proxy to vote without having proxy, possession and control of stock, selling vote or proxy, violation by inspector of his oath, punishable, Pen. Code, § 613.

10. **OFFICERS, including DIRECTORS;** filling and vacating offices; directors to be elected by stockholders; other officers to be elected annually by stockholders, or by and from board of directors, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Number of directors may be increased or diminished, Stock Corp. L., § 21, p. 1009. At least two directors must be residents of this state, Gen. Corp. L., § 29,

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11. **OFFICERS, including DIRECTORS;** duties and liabilities; powers and duties; generally, may be prescribed by by-laws, Stock Corp. L., § 27, p. 1012. President or vice-president and sec'y and treasurer must sign certificates of stock, Stock Corp. L., § 40, p. 1017. Officer in charge of stock-book to exhibit same, Stock Corp. L., § 29, p. 1013. Majority of directors constitute quorum, Gen. Corp. L., § 29, p. 987. And majority of quorum may act, unless otherwise provided by law or by by-laws, § 39, p. 992. Directors may make by-laws if stockholders do not, § 20, p. 987. May amend certificate of incorporation, § 7, p. 977. May designate officers to execute corporate contracts, § 39, p. 992. May require of officers and employes security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012. May open books for subscriptions to stock, § 41, p. 1018. Must prepare certificates of stock, § 40, p. 1017. May prescribe times of payment of capital stock, and declare stock forfeited for nonpayment, § 43, p. 1019. May refuse to transfer stock of stockholder indebted to corporation, § 26, p. 1011. By two-thirds vote, may exchange preferred for common stock, Stock Corp. L., § 47, p. 1021; to make calls on stockholders to restore capital; proceedings if assessment unpaid, Ins. L., § 42, pp. 1150-1. With consent of stockholders may extend corporate business, Stock Corp. L., § 32, p. 1015. Sell all corporate property and franchises, § 33, p. 1015. Preferences to officers and directors of insolvent corporation prohibited, Stock Corp. L., § 48, p. 1022. Action brought against corporation with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986. Actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3. When liable with corporation, may be joined as defendants, or sued separately, Civ. Code, §§ 1790-6. Corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805. Directors are trustees on dissolution if court does not appoint others, Gen. Corp. L., § 30, p. 987. **CIVIL LIABILITY** of directors for making unauthorized dividends, incurring corporate indebtedness beyond lawful limit, Stock Corp. L., §§ 22-4, pp. 1010-11. For accepting risk in mutual corporation after impairment,

Ins. L., § 43, p. 1151. For losses on risks taken by stock corporations after time limited and before impairment is restored, § 42, p. 1151. Of directors or officers for making false report or statement, Stock Corp. L., § 31, p. 1014. For preferences to officer or director when corporation insolvent, § 48, p. 1022. Are forbidden to receive money for making loans; forfeits office, Ins. L., § 36, p. 1148. **CRIMINAL LIABILITY** of directors and officers for fraudulent issue, or overissue of stock; issuing surrendered or cancelled stock; fraudulent representation to public officer in relation to incorporation or increase of capital stock; issuing watered stock; making unauthorized dividends; loaning corporate funds to stockholder; unlawfully increasing capital stock; selling stock of which he is not owner; false entries or omissions in books; refusing to exhibit books, etc., when required by law; omitting to disclose to proper officers, application for injunction against corporation; omitting to make any report when lawfully required; corrupt conduct at corporate elections, Pen. Code, §§ 591-2, 594, 610-11, 613; presumption of knowledge of and consent to action of board by each director, Pen. Code, § 614.

12. **STOCK.** Books to be opened for receiving subscriptions, Stock Corp. L., § 41, p. 1018. When subscriptions payable; forfeiture for nonpayment and reissue, § 43, p. 1019. Stock certificates, how prepared and executed, Stock Corp. L., § 40, p. 1017. Court may order issue of new in place of lost certificate, §§ 50-1, pp. 1023-4. Stock-book to be kept and exhibited as required; presumptive evidence of recitals therein, § 29, p. 1013; Pen. Code, § 611, sub. 4. Fraudulent issue of stock, overissue, or issue contrary to law, § 591. Stock transferable as prescribed by by-laws, Stock Corp. L., § 40, p. 1017. Transfer of stock by stockholder indebted to corporation may be refused, § 26, p. 1011. Increase or reduction of capital stock with consent of sup't, Stock Corp. L., §§ 43-6, pp. 1019-21. Preferred and common stock, § 47, p. 1021. Increase or reduction of number of shares, § 56, p. 1026. By-laws may provide for lien on stock for fire premiums due from stockholder, Ins. L., § 19, p. 1139. May be issued and sold at not less than par to restore capital in place of stock scaled down, § 42, p. 1151. Transfer during examination or after report and before impairment is made good, does not release stockholder from liability, § 42, p. 1151.

13. **STOCKHOLDERS** are members of association, Gen. Corp. L., § 3, sub. 8, p. 975. For what purposes purchaser of stock whose transfer is not entered in stock-book is deemed a stockholder, Stock Corp. L., § 29, p. 1013; Gen. Corp. L., § 20, p. 983. By-laws made by, control directors, Gen. Corp. L.,

§ 11, p. 978 (see 11, ante). May pay proportion of mortgage debt and may be subrogated thereto, Stock Corp. L., § 49, p. 1023. May be required to make good impaired capital stock, Ins. L., § 41, p. 1150. Falling to make good, stock is scaled down, § 42, p. 1151. Insolvent corporation prohibited from preferring stockholder, § 48, p. 1022. Liability of stockholder for corporate debts, §§ 54-5, pp. 1025-6. Consent of majority of stockholders requisite to increase or reduction of capital stock, § 46, p. 1021.

14. **CAPITAL STOCK** of domestic, fire or marine stock insurance corporation paid in cash must be at least \$200,000. Of life, health or casualty stock at least \$100,000 and \$50,000 additional for each additional variety of insurance authorized, Ins. L., § 12, p. 1135. Stock and surplus up to legal minimum must be invested in specified securities, §§ 13, 16, pp. 1136-7. Balance above legal minimum and deposit may be loaned on investment in securities of any solvent corporation, and in certain municipal and real estate securities, § 16, n. 1138. Securities must be interest bearing or dividend paying, § 17, p. 1139. How stock in other corporation shall be listed, § 18, p. 1139. If capital impaired 25 per cent. superintendent shall order stockholders to make good impairment, and if not made good, attorney-general shall proceed to dissolve corporation, § 41, p. 1150. Capital required of foreign corporation doing business and how it shall be invested and proved, § 27, p. 1142. If it becomes impaired, certificate of authority shall be revoked, § 41, p. 1150.

15. **Provision for EXAMINATIONS;** under direction of superintendent of insurance; certain items of expense to be repaid by corporation to state, Ins. L., § 7, p. 1133. Powers and duties of examiners, § 39, p. 1149. Only to be ordered by superintendent on application of stockholder or judgment creditor, § 40, pp. 1149-50.

16. **DEPOSIT** made by insurance company to consist of specified securities, Ins. L., § 13, p. 1136. How exchanged for others, § 14, p. 1136. How transferred by superintendent of insurance on countersign of state treasurer, § 15, p. 1137. By company from another state may be made with superintendent of insurance or with authorities of home state, § 26, p. 1142. Where and how much corporation from foreign country shall deposit, §§ 27-8, pp. 1142-5. Deposits with superintendents shall be examined at least annually by corporation and certified to be correct, § 51, p. 1155.

17. **FOREIGN CORPORATIONS** shall be subject to examination and to all rules governing domestic corporations, Ins. L., § 25, pp. 1141-2. From other states to maintain certain deposits with superintendent of insurance or with authorities of home state, § 26, p. 1142. From foreign countries to

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19. Sworn REPORTS to be made annually to superintendent of insurance, Ins. L., § 44, p. 1152. Forms to be furnished by the superintendent of insurance; forfeit for failure to make report, § 45, p. 1152. Foreign companies to make additional report annually as to items of capital, § 27, p. 1143. All except life and mutual benefit to make annual report of premiums; to pay 8-10% TAX thereon, L. 1880, ch. 542, § 5, p. 2496.

20. ADVERTISEMENTS to contain certain statements; penalty for false or illegal advertisements or statement, Ins. L., §§ 47-8, pp. 1153-4. Necessary contents if made by agent, § 49, p. 1154.

21. PENALTY for violating provisions of insurance law if not fixed otherwise is fine of \$500, Ins. L., § 53, p. 1156. Acting as agent without certificate of authority, guilty of misdemeanor, Pen. Code, § 577c. Issuing fire policies not of standard form is misdemeanor, § 577a. Acting for foreign corporation after revocation of authority or for one which has no designated agent for service is misdemeanor, §§ 577i, 577j.

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23. INSURANCE not to be written on any property except upon application and in name of party in interest, Ins. L., § 55, p. 1157. Not to be issued on life or health or against accident except on application of insured or wife, or employer insuring employees, § 55, p. 1157. Person liable for support of child may insure the life but not to exceed certain sums, § 55, p. 1157.

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29. INCORPORATION. Number of incorporators and contents of declaration and certificate. What insurance such corporation may write, § 110, p. 1176. How capital of mutual must be made up, §§ 111, 113, pp. 1177-8. May also have cash capital, § 114, p. 1178. Of stock corporation, § 112, p. 1177. Charter forfeited by declaring unearned dividends, § 117, p. 1181. Duration of charter, § 120, p. 1185.

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40. CAPITAL STOCK. To be paid 10 per cent. in cash, Ins. L., § 171, p. 1203. One-third within one year, balance within two. Certificate of payment filed, § 174, p. 1204. Title guaranty corp. to maintain guaranty fund of 2-3 of capital; investment of capital and guaranty, § 176, pp. 1205-6. Credit guaranty corp. to have 25 per cent. cash and deposit of \$100,000 with sup't of ins., § 177, p. 1206.

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42. INCORPORATION. Definition of corporations included in (f), Ins. L., § 201, pp. 1208-9. Nine or more persons, file declaration which contains charter; must have attached affidavit of three that 200 have agreed to take \$400,000 of insurance and paid 2% cash, § 200, pp. 1207-8.

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43. FOREIGN CO-OPERATIVE; (except secret fraternal already authorized to do business) must have CERTIFICATE of AUTHORITY which must be filed with co. clerk, § 204, p. 1211. When sup't shall refuse certificate; shall exact same fees, etc., as home state exacts of N. Y. societies, § 204, p. 1212. Must have reserve accumulated, § 205, p. 1213.

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55. ASSESSMENTS to be assessed by directors or executive committee; limitation of amount, Ins. L., § 268, p. 1237. Sec'y to give notice to members of assessment, § 269, p. 1238. Unpaid assessments may be collected by action and delinquent members excluded from corporation, § 270, p. 1238.

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libel, Pen. Code, § 242. Penalty, § 243. Malice presumed, § 244. Publication defined and when excused, §§ 242-3. Liability of editors and employees, § 246. Not libel for publishing true report of public proceedings, §§ 247-8. Furnishing libelous information, § 254a. What communications are privileged, § 253. Indictment, §§ 249-52. Where indictment shall be tried, Crim. Code, § 138. Contents of indictment, § 289. Jury to determine law and fact and must find general verdict, §§ 418, 436. Threatening to publish libel is blackmail, Pen. Code, § 558.

2. In civil actions. Remedy does not survive, R. S., § 2, p. 1907. What must be pleaded in, Civ. Code, § 535. When actual malice must be proven, §§ 1907-8. May not be joined with another cause of action, § 484.

LIBRARY.

a. State Libraries.

1. Of court of appeals established and librarian appointed; rules of government to be framed by regents, L. 1849, ch. 300, pp. 2110-11.

2. Supreme court library at Binghamton established; rules for its management; librarian to be appointed by the resident supreme court justice, L. 1859, ch. 230; L. 1883, ch. 270; L. 1893, ch. 58; L. 1860, ch. 402, pp. 2167-9.

3. Of supreme court at Buffalo; appointment of trustees and librarian, L. 1863, ch. 401, pp. 2207-8.

4. Of supreme court in Brooklyn; appointment of trustees; expenses to be paid by Kings county, L. 1843, ch. 463, p. 2212.

5. Of 4th judicial district; justices to be trustees, L. 1866, ch. 882, p. 2242.

6. Of the 6th judicial district at Delhi; appointment and salary of librarian, L. 1882, ch. 51, p. 2538.

7. Of the 3d judicial district at Kingston; appointment and salary of librarian, L. 1876, ch. 318, p. 2424.

8. Of the fifth judicial district at Utica; appointment and salary of librarian to be paid by Oneida county, L. 1877, ch. 94, p. 2426.

9. In the 6th judicial district at Elmira; appointment and power of trustees and librarian, L. 1895, ch. 231, p. 3027.

10. State library, of what constituted, Univ. L., § 15, p. 1479. Is under control of regents, § 17, p. 1480. Use and maintenance of state library, §§ 17-21, pp. 1480-2. Regents to certify cost of maintenance to comptroller, L. 1844, ch. 255, p. 2071.

11. Of attorney-general, to be inventoried annually and report to regents, L. 1850, ch. 155, p. 2115; Univ. L., § 21, p. 1482.

12. State school library established; to circulate books among school libraries, L. 1892, ch. 573, p. 2874.

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b. Municipal Public Libraries.

12. May be established by any municipal corporation, and on petition of 25 taxpayers approved by county judge, people shall vote on taxation for library, Univ. L., § 38, p. 1490; Gen. Munic. L., § 24, p. 590. TRUSTEES to be elected and obtain charter from regents, Univ. L., §§ 39, 40, p. 1491. Charter to be filed in office of sec'y of state and county clerk, Gen. Corp. L., § 3, sub. 7, § 5, p. 976. Qualifications of incorporators, §§ 4, 29, pp. 975, 987. Name not to be similar to that of existing corporation, Gen. Corp. L., § 6, p. 976. May be changed by regents, Univ. L., § 29, p. 1485. Or by court, Civ. Code, §§ 2411-7. Number and qualifications of trustees or directors, Univ. L., §§ 2, 27, pp. 1476, 1485; Gen. Corp. L., §§ 3, 29, pp. 975, 987. New charter may be issued, Univ. L., § 30, p. 1486. Charter may be amended, § 29, p. 1485; Gen. Corp. L., § 7, p. 977. Is evidence of incorporation, § 9, p. 978. Certified copy as evidence, Civ. Code, § 933.

13. CORPORATE POWERS AND ADMINISTRATION, Univ. L., §§ 25-34, pp. 1483-7; Gen. Corp. L., §§ 10-4, pp. 978-80. Only such as are expressly granted or necessarily implied, § 10, p. 978. May be prescribed by regents, Univ. L., § 27, p. 1485. Hold and transfer property, § 34, pp. 1487-9; Gen. Corp. L., §§ 10-4, pp. 978-80. In excess of amount limited by its charter, § 12, p. 979; L. 1889, ch. 191, p. 2747; Univ. L., § 34, p. 1489. By-laws may be made by members or trustees, Gen. Corp. L., §§ 11, 29, pp. 978, 987; Univ. L., § 34, sub. 10, p. 1490. Not valid until published, Gen. Corp. L., § 11, p. 979. Meetings of members; elections of trustees, §§ 20-7, pp. 983-6. Number and qualifications of trustees, § 29, p. 987; Univ. L., § 34, p. 1488. Meetings and powers of trustees, § 34, p. 1487. Elections may be summarily reviewed by court, Gen. Corp. L., § 27, p. 986.

14. DISSOLUTION of incorporated library by regents, Univ. L., § 30, p. 1486. By vote of taxpayers, § 51, p. 1494. But not by court, Civ. Code, §§ 1804, 2431.

15. MANAGEMENT. Make reports to regents, Univ. L., § 41, p. 1491. May receive public moneys, subject to regents, §§ 37-8, pp. 1490-1. Apportionment of public moneys, § 50, p. 1493. Use to be free, § 42, p. 1491. Penalty for wilful injury to or detention of library property, §§ 43-4, p. 1492; Pen. Code, §§ 647-8. Regents may remove trustees for neglect, § 46, p. 1492. Library may borrow books from state, § 47, p. 1493.

c. Public School Libraries.

16. May be maintained by school districts under control and direction of state sup't pub. instruction, Consol. Sch. L., t. 13, p. 1593. Maintenance and government of school library, §§ 1-8, pp. 1593-5. Appropriation of money from U. S. deposit fund for

libraries, t. 2, § 5, p. 1506. Annual sum devoted by state to school libraries, L. 1892, ch. 573, p. 2874. Commissioners to set apart library fund, t. 13, p. 1508. District may vote tax to establish and maintain, t. 7, § 14, p. 1531. May transfer library to library corporation under control of regents, Univ. L., § 45, p. 1492. May be abolished by majority vote, § 51, p. 1494.

d. General Provisions.

17. When and how trust may be created to establish library, L. 1892, ch. 516, p. 2869. Powers of trustees under deed, §§ 3-4, p. 2870. Action to defeat trust must be brought within 2 years, § 7, p. 2871. Public library exempt from taxation, R. S., § 4, sub. 5, p. 1677. Wilful injury of contents misdemeanor, Pen. Code, § 648. Punishable by fine or imprisonment, Univ. L., § 43, p. 1492. And wilful detention of books, § 44, p. 1492. Transfer of libraries and of rights and responsibilities, § 45, p. 1492. Regents may remove trustees for neglect and take property, § 46, p. 1492. Secretary of state to furnish one copy of each law, public document and reports to each incorporated library in the state, L. 1895, ch. 218, p. 3026. Regents may circulate books from state library and create circulating libraries, Univ. L., § 47, p. 1493. Regents to furnish free advice and instruction to libraries, § 48, p. 1493. Apportionment of public library money § 50, p. 1493.

LICENSE.

Penalty for pawnbroker doing business without, Pen. Code, § 353. Pilots without license, § 398. Private asylum without license, § 445. Auctioneer forfeits license by mock auction, § 574. See Auctioneers; Excise; Fish; Game; Insane; Pawnbrokers; Peddlers.

LIEN.

1. Of attorney upon cause of action, Civ. Code, § 66. Of chattel mortgage, L. 1833, ch. 279, p. 2013; L. 1849, ch. 69, p. 2014. Canal boat liens, L. 1864, ch. 412, p. 2216. Of collector's bond, Town L., § 53, p. 745. Of drainage assessments, R. S., § 8, p. 1918. Of factor, L. 1830, ch. 179, p. 2006. Of hotel, boarding and lodging-house keeper, L. 1860, ch. 446, p. 2179; L. 1894, ch. 253, p. 2958; L. 1895, ch. 884, p. 3108. Foreclosure of such lien, L. 1879, ch. 530, p. 2467. Lien for expense of abatement of nuisances, Pub. H. L., § 27, p. 801. Lien of judgment, Civ. Code, §§ 1250-60. Of livery keepers for care of stock, L. 1872, ch. 498, p. 2332. Of monument dealer on monument, L. 1888, ch. 543, p. 2740. Of railroad laborers upon work, L. 1875, ch. 392, pp. 2408-9. Of mortgagee for tax paid, L. 1893, ch. 711, p. 2948, § 18. Of owner of stallion, L. 1887, ch. 458, p. 2716. Against strays doing damage, Town L., §§ 120-50, pp. 757-64. Of tax warrant, L. 1846,

Lien Law
§ 17 a '99 c
25 § 50-2 a
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a '99 c 880 §
74 a '99 c 465
§ 81-2 a '99
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ch. 327, § 5, p. 2087. Of warehouseman, L. 1885, ch. 526, p. 2658. Foreclosure of such lien, L. 1879, ch. 336, p. 2463. Against vessels, and collection, L. 1862, ch. 482, p. 2196.

2. Foreclosure of liens by action, Civ. Code, §§ 1737-41. Sécreting or selling property covered by lien, a misdemeanor, Pen. Code, § 571.

See Mechanics' Liens; Mortgages.

LIETENANT-GOVERNOR.

1. Filling and vacating the office. Elected for TERM of 2 years in each even-numbered year, Const. a. 4, § 1, p. 55. To be ELIGIBLE must be of full age, citizen of U. S., 30 years of age, five years a resident of this state, Const. a. 4, § 2, p. 55. Does not HOLD OVER after expiration of term, Pub. Off. L., § 5, p. 326; Const. a. 4, § 1, p. 55. SALARY \$5,000 with no additional fees, Const. a. 4, § 8, p. 57. Not to be increased or diminished during term, Const. a. 5, § 1, p. 58. Must take and file OFFICIAL OATH within 15 days after commencement of term of office forfeited Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84. Entering upon duties of office without filing oath is misdemeanor; effect on official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. RESIGNATION must be in writing, addressed to legislature and filed with sec'y of state, Pub. Off. L., § 21, p. 334. VACANCY in office, how created, § 20, p. 333. Vacancy to be filled by president of senate, Const. a. 4, § 6, p. 57. Removal by impeachment by legislature, Const. a. 6, § 13, p. 66. (See Public Officers.)

2. Is president of the senate with casting vote, Const. a. 4, § 7, p. 56. When to act as governor, Const. a. 4, § 6, p. 56. Is ex-officio commissioner of land office and of canal fund, Const. a. 5, § 5, p. 60. Trustee of public buildings, Pub. Build. L., § 2, p. 490. A capitol commissioner, § 7, p. 493. Member of regents, Univ. L., § 4, p. 1476. Is member of court of impeachment, and presiding judge of court except at impeachment of governor or lieutenant-governor, Crim. Code, §§ 13-4; Const. a. 6, § 13, p. 66. Receives copies of articles of impeachment and directs service upon defendant, Crim. Code, §§ 118-9. Is trustee of Cornell University, L. 1865, ch. 585, p. 2224.

LIFE BOATS.

Must be provided at bathing places, Pen. Code, § 427. Must be carried by steam and ferry boats, L. 1849, ch. 411, pp. 2212-3.

LIFE LINES.

Must be maintained at bathing resorts, Pub. H. L., § 202, p. 864.

LIFE TENANT.

Proceedings to discover death of, Civ. Code, §§ 2302-19.

LIGHTS.

Where to be carried by steamboats, R. S., § 8, p. 1774. By rafts, L. 1841, ch. 65, p. 1775. By schooner, L. 1837, ch. 53, p. 1775. On swing bridge over Hudson, L. 1880, ch. 541, p. 2402.

LIBERTIES OF JAILS.

See Jail Liberties.

LIMITATION OF ACTIONS.

1. In CRIMINAL actions. No limitation in case of murder, Crim. Code, § 141. Indictment for felony must be found within 5 years; for misdemeanor within 2 years, § 142. Time does not run during absence from state, § 143. Indictment is found when presented in court, § 144. Of prosecution for profane swearing, R. S., § 74, p. 1772.

2. In CIVIL actions. For the recovery of real property, Civ. Code, §§ 362-75. Other than for real property, §§ 376-90. When action deemed commenced, §§ 398-400. Time during which statute does not run by reason of absence, war, reversal of judgment, injunction, §§ 401-6. General provisions governing, §§ 407-15. Statute must be pleaded, § 413. Limitation in action of ejectment, §§ 1526-9. Dower, § 1596. Against administrator on rejecting claim, § 1822. By people to recover public property, § 1973. On application for certiorari, §§ 2125-6. When statute runs against executor holding claim against estate, § 2731. In action against city for personal injuries, L. 1886, ch. 572, p. 2686. To set aside trust created for educational institution, L. 1892, ch. 516, p. 2871, § 7. Of action for mob damages, Gen. Munic. L., § 21, p. 589. For penalty against plank road, Trans. Corp. L., § 145, p. 1377. For damages by damming stream, L. 1880, ch. 533, p. 2489. For penalty against unlicensed peddler, R. S., p. 1726, § 11. Against stockholders, Stock Corp. L., § 55, p. 1026. Against stockholders for wages, § 54, p. 1025; R. R. L., § 30, p. 1268. Against railroad for taking excessive fare, § 39, p. 1274. Against officers for false certificate, Stock Corp. L., § 31, p. 1015. Of demand for dower, R. S., p. 1816, § 12. To recover usury, R. S., § 4, p. 1855. Of actions against state, Const. a. 7, § 6, p. 72. By the state, Civ. Code, § 1973. For death by injury, § 1902.

See Mechanics' Liens.

LIMITED PARTNERSHIPS.

See Partnerships.

LINCOLN'S BIRTHDAY.

Is a holiday, L. 1875, ch. 27, p. 2381.)

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LINEAL AND COLLATERAL WARRANTIES.

Are abolished, R. S., p. 1812, § 141.

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LIQUORS.

Not to be sold about courthouse, Civ. Code, § 32. Not allowed to prisoner committed under civil process, §§ 115-6. Sale of, in jails, forbidden, §§ 128-30. Forbidden on certain excursion boats, L. 1894, ch. 294, p. 2961. Board of health to analyze samples annually, Pub. H. L., p. 806. What liquors are adulterated, § 41, p. 804. Penalty for adulteration, Pen. Code, § 407. Brands on barrels containing, L. 1864, ch. 276, p. 2213. Gaming prohibited where liquor sold, R. S., p. 1762. No recovery for retail credit sales, Exc. L., § 40, p. 1643. Introduction into public institutions forbidden, § 34, p. 1641. Sale forbidden to Indians, minors, drunkards and paupers, §§ 32, 40, pp. 1640, 1643; L. 1835, ch. 272, p. 2017. Action for damages for sale of, L. 1873, ch. 646, p. 1643. Child not to be allowed where sold, Pen. Code, §§ 290-1. See Adulterations; Brands; Elections; Excise; Indians.

LIS PENDENS.

When to be filed and contents and effect of, Civ. Code, §§ 1670-1. Recording, indexing and cancellation, §§ 1672, 1675. Defendant may file on counterclaim, § 1673. When to be filed on foreclosure of mortgage, § 1631.

LITERARY INSTITUTIONS.

Exempt from taxation, R. S., p. 1677. Tax on stocks, held by, to be added to dividend, L. 1882, ch. 409, §§ 325-6, p. 2556. Trust created to support, L. 1840, ch. 318, p. 2060; L. 1892, ch. 516, p. 2869.

LITERATURE.

Selling or sending obscene, forbidden, Pen. Code, §§ 318-9. Arrest authorized by agent of Society for Prevention of Vice, L. 1875, ch. 205, p. 2404.

LITERATURE FUND.

To be preserved and income devoted to academies, Const. a. 9, § 3, p. 79; Univ. L., § 26, p. 1484; Consol. Sch. L., p. 1588 and note. Must be kept separate, L. 1847, ch. 258, p. 2094. Invested by comptroller under direction of regents, R. S., p. 1666. Funds in which may be invested, L. 1887, ch. 245, p. 2699.

LIVERY OF SEIZIN.

Abolished as mode of conveyance, R. S., p. 1812, § 136.

LIVERY-STABLE-KEEPER.

Has lien for care of animals, L. 1872, ch. 498, p. 2332.

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LIVINGSOTON COUNTY.

Stenographer for county court, Civ. Code, § 361. Relief of poor in, L. 1845, ch. 334, p. 2079. Is in the 7th judicial district, L. 1847, ch. 241, p. 2094. Is in the 46th sena-

torial district, Const. a. 3, § 3, p. 44. Entitled to one member of assembly, Const. a. 3, § 5, p. 46. Is in 30th congressional district, L. 1892, ch. 295, p. 2851. Salary of county judge, Co. L., § 222, p. 653.

LOAN.

Forced loan prohibited, R. S., p. 1649, § 2. Charges allowed for brokerage, R. S., p. 1780, § 1. Liability of directors for loans to stockholders, Stock Corp. L., § 25, p. 1011. See Banks; Interest.

LOAN ASSOCIATION.

See Building and Loan Association.

LOBSTERS.

Sale of, under 9 inches forbidden, Fish, G. & F. L., § 192, p. 906.

LOCK ON CANALS.

Penalty for interfering with, Pen. Code, § 479.

LOCK-UPS.

May be built by towns; used for temporary detention only, Town L., § 192, p. 776.

LODGES.

Of Masons may hold and convey real estate, L. 1886, ch. 317, p. 2230. Of Odd Fellows, L. 1873, ch. 417, p. 2337. Lodges may unite to hold real property, L. 1892, ch. 290, p. 2845.

LODGING-HOUSE.

Definition of; owner to keep register, L. 1895, ch. 758, p. 3088. Has lien for charges, L. 1895, ch. 884, p. 3108. Punishment for frauds on lodging-house keepers, Pen. Code, § 382.

LOGS.

Floating and marking, L. 1880, ch. 533, pp. 2488-91. Penalty for defacing marks, Pen. Code, § 373.

LONG ISLAND SOUND.

Provisions of game law, Fish., G. & F. L., § 161, p. 899. Grant of lands under, Pub. Lands L., p. 408, § 70.

LOTTERIES.

Shall not be authorized, Const. a. 1, § 9, p. 34. Lottery defined and prohibited, Pen. Code, §§ 323-35a. Contracts on account of raffle are void, R. S., p. 1765, § 24. Money may be recovered, p. 1766, §§ 25, 32. Sale of tickets a misdemeanor, § 39, p. 1766; Pen. Code, § 344. What evidence required, R. S., § 52, p. 1767. Forgery of lottery tickets prohibited, p. 1767, § 53. What courts have jurisdiction to punish, Crim. Code, § 56.

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Defined, Stat. Const. L., § 7, p. 111; L. 1874, ch. 446, t. 3, § 37, p. 2373.

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LUTHERAN CHURCH.

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MACHINERY.

Causing death by negligent use of, manslaughter, Pen. Code, §§ 195, 199; endangering life, a misdemeanor, § 362. Use of, in factories regulated; guards to be provided, L. 1886, ch. 409, § 8, p. 2675. Malicious injury to a felony, Pen. Code, § 639, sub. 10.

MADISON COUNTY.

Is in 6th JUDICIAL district, L. 1847, ch. 241, p. 2094. In 37th SENATORIAL district, Const. a. 3, § 3, p. 44. In 27th CONGRESSIONAL district, L. 1892, ch. 295, p. 2851. Is entitled to one member of ASSEMBLY, Const. a. 3, § 5, p. 46. Salary of co. judge, Co. L., § 222, p. 653. Excepted from provisions as to police justices in villages, L. 1875, ch. 514, § 3, p. 2412.

MAGISTRATES.

Defined and enumerated, Crim. Code, §§ 950, 146-7. Commitment for offenses in presence of, § 182; R. S., p. 1769, §§ 61-2; p. 1770, § 67. Fees of, in criminal cases when town or county charge, Town L., § 165, p. 769; Const. a. 6, § 20, p. 69. To report commitments to state benevolent institutions, L. 1880, ch. 347, § 2, p. 2477; of females committed to house of refuge for women, L. 1881, ch. 187, § 9, p. 2513. (See Commitment.) Recognizances taken by, to be filed, L. 1861, ch. 333, § 2, p. 2182. Depositions, complaints, etc., to be preserved by, L. 1866, ch. 95, p. 2230. Penalty for neglect to furnish criminal statistics, Crim. Code, § 944. Disclosure of depositions by, a misdemeanor, Pen. Code, § 145. False weights to be destroyed by, § 583; also gambling implements, § 346. Solemnizing unlawful marriages, a misdemeanor, § 376. Certificates of marriages to be filed with local health board by magistrate, Pub. H. L., § 22, p. 797.

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MAIL.

1. Conveyance of, by railroad corporation regulated, R. R. L., § 56, p. 1283. Sending obscene articles by, a misdemeanor, Pen. Code, § 319. Service of summons by, Civ. Code, § 436; of papers generally, §§ 797-8; of notice of foreclosure by adv't, § 2389. Sheriff's mandate may be returned by, § 102. Substituted service by, §§ 440, 443-4. Postage stamps, forgery of, Pen. Code, § 517.

2. Mail and document carrier of assembly, Leg. L., §§ 7, 10, pp. 344-5. Postmasters of senate and assembly, §§ 6-7, 10, 12, pp. 343-6.

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MAJORITY.

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By public officer or county treasurer, how punished, Pen. Code, §§ 470-2. By judges, clerks, etc., in relation to conveyances, R. S., p. 1841, § 35.

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MALICE, MALICIOUSLY.

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1. Defined, Civ. Code, § 3343, sub. 2; includes summons, § 418; requisition to re-

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plevy, § 1694; warrant of attachment in contempt, § 2273. Disobedience to, a criminal contempt, Pen. Code, § 143; Civ. Code, §§ 8, 14. Execution of, by sheriff, generally, Civ. Code, §§ 100-9; execution of mandate against the person, §§ 110, ff. Sheriffs' fees for, § 3307. Execution, if directed to coroner, §§ 172-81. Notice to officer to show cause for not returning mandate, § 2270. Riotous resistance to, a felony, Pen. Code, § 450. Forgery of, § 511. Delivery of, to incoming sheriff, Civ. Code, § 184.

2. In justices' courts; requisites of, Civ. Code, § 3135; execution, §§ 3156-8; service of summons, §§ 2878-85.

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MANSLAUGHTER.

Defined; two degrees; how punished; enumeration of crimes included under, Pen. Code, §§ 188-202. Proof required for conviction, § 181. Aiding suicide, manslaughter in first degree, § 175.

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Legislative, to be published annually by sec'y of state, Exec. L., § 25, p. 370. Clerk's manual to be prepared annually, Leg. L., § 15, p. 347. For manual training, see Industrial Training.

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1. Injury to map filed in public office, a felony, Pen. Code, § 94; if deposited in public library or museum, § 648.

2. Of STATE to be kept in office of state engineer; open to public inspection, Exec. L., §§ 62-3, pp. 377-8. State engineer to make maps of unappropriated state lands, Pub. Lands L., § 32, p. 399. Of CANALS to be filed in office of state engineer and of co. clerks, Canal L., §§ 4-5, p. 417; of lands appropriated by sup't pub. works for canal purposes, § 70, p. 437; division engineers to revise and make canal maps, under direction of state engineer, §§ 50, sub. 5; 52-3, pp. 433-5. Supervisors may cause copies of COUNTY maps to be made and certified, Co. L., § 26, p. 604; in case of alteration or erection of TOWNS, §§ 34, 36, pp. 607-8; town supervisor may be required to make town map for state engineer, Town L., § 81, p. 751. Of ELECTION DISTRICTS to be kept by city and town clerks, Elec. L., § 9, p. 244.

3. Of proposed route for PIPE LINE, Trans. Corp. L., § 41, p. 1346; L. 1889, ch. 422, § 5, p. 2777; for RAILROAD to be filed with co. clerk, R. R. L., §§ 6, 90, pp. 1254, 1296. Of lands for proposed water-works corp., Trans. Corp. L., § 83, p. 1361; for village water supply, L. 1875, ch. 181, § 5, p. 2389; for village sewer system, L. 1889, ch.

375, §§ 3, 15, pp. 2760, 2769. Of lands to be drained, R. S., p. 1917, §§ 6-7; L. 1895, ch. 384, § 9, p. 3041. To aid in assessment of taxes, R. S., p. 1685, § 13, subs. 4-6; L. 1885, ch. 411, § 5, subs. 4-6, p. 2653; to aid controller in taxing lands and on sale for non-payment thereof, L. 1855, ch. 427, §§ 5, 19, 29, pp. 2145, 2147, 2150; L. 1893, ch. 711, § 2, p. 2939. Maps for schools, tax therefor, Consol. Sch. L., t. 7, § 14, sub. 9, p. 1531.

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2. CHARTER MAY BE CHANGED, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, certificate of incorporation may be amended, § 7, p. 977. Corporate existence therein specified may be extended, § 32, p. 988. Business may be altered or extended, Stock Corp. L., § 32, p. 1015. Voyages and ports may be extended or changed by filing further certificate, Trans. Corp. L., § 11, p. 1342. May increase or reduce am't of capital stock or number of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or number of directors, § 21, p. 1009.

3. CERTIFICATE, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978.

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7. CORPORATE MEETINGS and ELECTIONS; directors to be elected by stockholders; other officers to be appointed by directors, Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Times, places and notices, and manner of calling corporate meetings; quorum of stockholders; manner of appointing inspectors of election, to be regulated by by-laws, Stock Corp. L., §§ 20-8, pp. 1009-12; Gen. Corp. L., § 11, p. 978. Directors chosen by plurality vote; at least one-fourth of directors must be elected annually, Stock Corp. L., § 20, p. 1009. Qualifications of voters, proxies, challenges, appointment of inspectors; special meetings and election procedure generally, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012. Voting or giving proxy to vote without having title, possession and control of stock; selling vote or proxy; violation by inspector of his oath, punishable, Pen. Code, § 613.

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9. OFFICERS including DIRECTORS; duties and liabilities; powers and duties, generally, may be prescribed by by-laws, Stock Corp. L., § 27, p. 1012. President or vice-president and sec'y and treasurer must sign certificates of stock, § 40, p. 1017; and annual report, Stock Corp. L., § 30, p. 1014. Treasurer must make statement of assets and liabilities when properly requested, § 52, p. 1024. Officer in charge of stock book to exhibit same, etc., § 29, p. 1013. Majority of directors constitute quorum, Gen. Corp.

L., § 29, p. 987. And majority of quorum may act, unless otherwise provided by law or by by-laws, § 39, p. 992. Directors may make by-laws if stockholders do not, § 29, p. 987. May amend certificate of incorporation, § 7, p. 977. May designate officers to execute corporate contracts, § 39, p. 992. May require of officers and employees security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012. Must open books for subscriptions to stock, § 41, p. 1018. Must prepare certificates of stock, § 40, p. 1017. May prescribe times of payment of capital stock, and declare stock forfeited for nonpayment, § 43, p. 1019. May refuse to transfer stock of stockholder indebted to corporation, § 26, p. 1011. By two-thirds vote, may exchange preferred for common stock, § 47, p. 1021. With consent of stockholders, may authorize conversion of bonds into stock, § 2, p. 1004; extend corporate business, § 32, p. 1015; sell all corporate property and franchises, § 33, p. 1015. Directors are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987. Preferences to officers and directors of insolvent corporation prohibited, Stock Corp. L., § 48, p. 1022. ACTIONS brought against corporation, with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986. Actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3. When liable with corporation, may be joined as defendants or sued separately, Civ. Code, §§ 1790-6. Corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805. CIVIL LIABILITY of directors for making unauthorized dividends, incurring corporate indebtedness beyond lawful limit, loaning corporate funds to stockholders, Stock Corp. L., §§ 23-5, pp. 1010-11. Failure to make annual report, § 30, p. 1013. Of directors or officers for making false report or statement, § 31, p. 1014. For preferences to officer or director when corporation insolvent, § 48, p. 1022. CRIMINAL LIABILITY of directors and officers for fraudulent issues or overissue of stock; issuing surrendered or canceled stock; fraudulent representation to public officer in relation to incorporation or increase of capital stock; issuing watered stock; making unauthorized dividends; loaning corporate funds to stockholder; unlawfully increasing capital stock; selling stock of which he is not owner; false entries or omissions in books; refusing to exhibit books, etc., when required by law; omitting to disclose to proper officers; application for injunction against corporation; omitting to make any report when lawfully required; corrupt conduct at corporate elections, Pen. Code, §§ 591-2, 594, 610-11, 613. Presumption of knowledge of and consent to action of board by each director, Pen. Code, § 614.

10. **STOCK**, amount and number of shares to be specified in certificate of incorporation; at least one-half must be subscribed and paid in cash before incorporation; books to be opened for receiving subscriptions, balance of subscription may be paid in cash or property of not less than par value, Stock Corp. L., §§ 41-2, pp. 1018-9; Trans. Corp. L., § 10, p. 1342. When subscriptions payable; forfeiture for nonpayment and re-issue, Stock Corp. L., § 43, p. 1019. Stock certificates, how prepared and executed, § 40, p. 1017. Court may order issue of new in place of lost certificate, §§ 50-1, pp. 1023-24. Stock book to be kept, and exhibited as required; presumptive evidence of facts therein recited, § 29, p. 1012; Pen. Code, § 611, sub. 4. Fraudulent issue of stock, overissue or issue contrary to law, Pen. Code, § 591. Increase and reduction of capital stock, Stock Corp. L., §§ 44-6, pp. 1020-1; preferred and common stock, § 47, p. 1021; increase or reduction of number of shares, § 56, p. 1026. Stock TRANSFERABLE as prescribed by by-laws, § 40, p. 1017; transfers to be entered in stock book, § 29, p. 1013. When consent to transfer by stockholder indebted to corporation may be refused, § 26, p. 1011. Transfers of stock in contemplation of insolvency of corporation prohibited, § 48, p. 1022. Stock may not be owned by railroad corporation, Trans. Corp. L., § 10, p. 1342.

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3. **CHARTER MAY BE CHANGED**, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, certificate of incorporation may be amended, § 7, p. 977; corporate existence therein specified may be extended, § 32, p. 988; business may be altered or extended, Stock Corp. L., § 32, p. 1015; may increase or reduce am't of capital stock or number of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or number of directors, § 21, p. 1009.

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6. Before commencing **CONSTRUCTION** must **FILE MAP**, stake out line, and serve notice on occupants of filing; service of protest by owner and relocation by court on report of commissioners, Trans. Corp. L., § 41, pp. 1346-7. May acquire route by condemnation, but not through orchards, etc.; consent of majority of owners on street in city necessary, § 42, p. 1347; Civ. Code, §§ 3357-84. Proceedings to acquire right of way across or along highways; canals; through cities or villages; Indian reservations; state lands, §§ 43-8, pp. 1347-9. **OPERATION and USE** of lines; corporation liable as common carriers; may not discriminate, § 50, p. 1350. Issuing and cancelling **RECEIPTS**, § 51, p. 1351; when compelled to maintain **FENCES** and gates, § 53, p. 1352.

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9. OFFICERS, including DIRECTORS; filling and vacating the offices; directors to be elected by stockholders; other officers to be appointed by directors; compensation; president must be a director; other officers need not be, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Number of directors to be specified in certificate of incorporation, Trans. Corp. L., § 40, p. 1345. May be increased or diminished, Stock Corp. L., § 21, p. 1009. At least two directors must be residents of this state, Gen. Corp. L., § 29, p. 987. All directors must be stockholders or officers of another corporation which owns stock, Stock Corp. L., §§ 20, 40, pp. 1009, 1017. At least one-fourth of directors must be elected annually; by-laws must prescribe manner of filling vacancies in board of directors, Gen. Corp. L., § 20, p. 1009. (See 8, ante.) Directors to hold over till successors elected and qualified, Gen. Corp. L., § 23, p. 985; Stock Corp. L., § 22, p. 1010. Action to suspend or remove officer or director for misconduct; if all removed, vacancies to be filled by governor with advice and consent of senate, Civ. Code, §§ 1781-3.

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See Betting and Gaming; State Racing Commission.

RACING ASSOCIATION.

1. CERTIFICATE of INCORPORATION. Number and qualifications of incorporators, L. 1895, ch. 570, § 1, p. 3064; Gen. Corp. L., § 4, p. 975. Contents of certificate, generally, L. 1895, ch. 570, § 1, p. 3064; may contain any provisions not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978; may contain provision for holding stock, bonds, etc., of other corporations, Stock Corp. L., § 40, p. 1017; for preferred stock, § 47, p. 1021; for cumulative voting, Gen. Corp. L., § 20, p. 983. Name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976. Number and qualifications of directors named in certificates, L. 1895, ch. 570, § 1, p. 3064; Gen. Corp. L., § 29, p. 987. How certificate executed and where filed; tax and fees must be paid before filing, L. 1895, ch. 570, § 1, p. 3064; Gen. Corp. L., § 5, p. 976. Am't of tax, 1/8 of 1% of capital stock corporation authorized to issue, L. 1886, ch. 143, § 1, p. 2664; fees of sec'y of state, \$10 and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; of co. clerk, 6 cents and 10 cents per folio, Civ. Code, § 3304.

2. REORGANIZATION under L. 1895, ch. 570, of corporation created under other law, L. 1895, ch. 573, pp. 3070-1.

3. CHARTER MAY BE CHANGED, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, certificate of incorporation may be amended, § 7, p. 977; corporate existence therein specified may be extended, § 32, p. 988; name may be changed by court, Civ. Code, §§ 2411-17; business may be altered or extended, Stock Corp. L., § 32, p. 1015; may increase or reduce am't of capital stock or number of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or number of directors, § 21, p. 1000.

4. CERTIFICATE, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, §§ 933, 957-8. If certificate filed or recorded be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

Vol. 1 contains pp. 1-971; Vol. 2, pp. 972-1980; Vol. 3, pp. 1981-3124.

5. Before COMMENCING business of breeding horses, etc., whole capital stock must be subscribed and certificate thereof filed; if intending to hold running race meetings all capital stock must be paid in in cash and certificate thereof and of having mile race track, and a license from state racing commission must be filed, L. 1895, ch. 570, §§ 2, 4, pp. 3064-5. Must commence business within 2 years or charter forfeited, Gen. Corp. L., § 31, p. 988.

6. CORPORATE POWERS; DEBTS, BONDS, MORTGAGES. Has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978. Perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; L. 1895, ch. 570, § 1, p. 3064. May adopt and alter corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978; if none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112. May sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74. May make by-laws, Gen. Corp. L., § 11, p. 978 (see 8, post). May take property by grant or will and dispose thereof, Gen. Corp. L., §§ 11, 13-14, pp. 978, 980. Improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3. Exercise of banking powers prohibited, Gen. Corp. L., § 19, p. 982. May borrow money and contract debts; unsecured debts not to exceed paid-up capital; debts secured by mortgage not to exceed paid-up capital, or two-thirds of value of corporate property, Stock Corp. L., §§ 2, 24, pp. 1005, 1011. Bonds not to be issued for less than market value, § 42, p. 1019. Bonds may be converted into stock, § 2, p. 1004. May hold stock, bonds, etc., and guarantee bonds of other corporations; sell property and franchises to another corporation, §§ 40, 33, pp. 1017, 1015; consolidate with other corporations, Bus. Corp. L., §§ 8-9, pp. 1388-9.

7. RUNNING RACE MEETINGS, may be held upon obtaining license from state racing commission, L. 1895, ch. 570, §§ 3, 4, 6, pp. 3064-6. Provisions to be complied with to prevent pool-selling, etc., on grounds, §§ 9-11, pp. 3067-8. Revocation of license, § 7, p. 3067. Annual tax and report to comptroller; penalty for neglect or refusal, §§ 12-15, pp. 3068-9. Betting privileges not to be sold, § 18, p. 3070. (See Betting and Gaming.)

8. BY-LAWS, adopted by stockholders, control directors; directors may make, if stockholders do not; by-laws, made by directors, regulating elections, to be published, Gen. Corp. L., §§ 11, 29, pp. 978, 987. By-laws may provide for the management of the corporate property and the regulation of its affairs, § 11, p. 978; the manner of transferring stock, § 11, p. 978; Stock Corp. L., § 40, p. 1017; fix time and place

of elections of directors, regulate notice thereof, and the calling of stockholders' meetings generally, § 20, p. 1009; Gen. Corp. L., § 11, p. 978; and manner of appointing inspectors of election thereat, Stock Corp. L., § 28, p. 1012; prescribe powers and duties of officers, § 27, p. 1012; fix quorum of directors and what proportion of directors must concur to constitute action by board, Gen. Corp. L., §§ 11, 39, pp. 978, 992; manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009.

9. CORPORATE MEETINGS and ELECTIONS. Directors to be elected by stockholders; other officers to be appointed by directors, Gen. Corp. L., § 11, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Times, places and notices thereof; manner of calling meetings, quorum of stockholders; manner of appointing inspectors of election, to be regulated by by-laws, Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6; Stock Corp. L., § 28, p. 1012. Directors chosen by plurality vote; at least one-fourth of directors must be elected annually, § 20, p. 1009. Qualifications of voters, proxies, challenges, appointment of inspectors; special meetings, and election procedure generally; review of election by court, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012. Voting or giving proxy vote without title, possession and control of stock, selling vote or proxy; violation by inspector of his oath, punishable, Pen. Code, § 613.

10. OFFICERS, including DIRECTORS; FILLING and VACATING the offices. Directors to be elected by stockholders; other officers to be appointed by directors; president must be a director; other officers need not be; compensation, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Number of directors to be specified in certificate of incorporation, L. 1895, ch. 570, § 1, p. 3064. May be increased or diminished, Stock Corp. L., § 21, p. 1009. At least two directors must be residents of this state, Gen. Corp. L., § 29, p. 987. All directors must be stockholders or officers of another corporation which owns stock, Stock Corp. L., §§ 20, 40, pp. 1009, 1017; at least one-fourth of directors must be elected annually; by-laws must prescribe manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009. (See 9, ante.) Directors to hold over until successors elected and qualified, § 23, p. 985; Stock Corp. L., § 22, p. 1010. Action to suspend or remove officer or director for misconduct; if all removed, vacancies to be filled by governor with advice and consent of senate, Civ. Code, §§ 1781-3.

11. OFFICERS, including DIRECTORS; DUTIES and LIABILITIES. Powers and duties, generally, may be prescribed by by-laws, Stock Corp. L., § 27, p. 1012. President or vice-president and sec'y and treas-

urer must sign certificates of stock, § 40, p. 1017; verify affidavit of subscription or payment of stock, L. 1895, ch. 570, §§ 2, 4, pp. 3064-5; and annual report, Stock Corp. L., § 30, p. 1014. Treasurer must make statement of assets and liabilities when properly requested, § 52, p. 1024. Officer in charge of stock-book to exhibit same, etc., § 29, p. 1013. Majority of directors constitute quorum, Gen. Corp. L., § 29, p. 987; and majority of quorum may act, unless otherwise provided by law or by by-laws, § 39, p. 992. Directors may make by-laws if stockholders do not, § 29, p. 987; may amend certificate of incorporation, § 7, p. 977; may designate officers to execute corporate contracts, § 39, p. 992; may require of officers and employes security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012; must open books for subscriptions to stock, § 41, p. 1018; must prepare certificates of stock, § 40, p. 1017; may prescribe times of payment of capital stock, and declare stock forfeited for nonpayment, § 43, p. 1019; may refuse to transfer stock of stockholder indebted to corporation, § 26, p. 1011; by two-thirds vote, may exchange preferred for common stock, § 47, p. 1021.

With consent of stockholders, may authorize conversion of bonds into stock, § 2, p. 1004; extend corporate business, § 32, p. 1015; sell all corporate property and franchises, § 33, p. 1015. Directors are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987. Directors of two or more corporations may submit to stockholders an agreement for consolidation, Bus. Corp. L., §§ 8-9, pp. 1388-9. Preference to officers and directors of insolvent corporation prohibited, Stock Corp. L., § 48, p. 1022. Actions brought against corporation, with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986. Actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3. When liable with corporation, may be joined as defendants or sued separately, Civ. Code, §§ 1790-6. Corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805. Civil liability of directors for making unauthorized dividends, incurring corporate indebtedness beyond lawful limit, loaning corporate funds to stockholders, Stock Corp. L., §§ 23-5, pp. 1010-11; failure to make annual report, § 30, p. 1013; of directors or officers for making report or statement, § 31, p. 1014; for preferences to officer or director when corporation insolvent, § 48, p. 1022. Criminal liability of directors and officers for fraudulent issue, or overissue of stock; issuing surrendered or canceled stock; fraudulent representation to public officer in relation to incorporation or increase of capital stock; issuing watered stock; making unauthorized dividends; loaning corporate funds to

stockholders; unlawfully increasing capital stock; selling stock of which he is not owner; false entries or omissions in books; refusing to exhibit books, etc., when required by law; omitting to disclose to proper officers, application for injunction against corporation; omitting to make any report when lawfully required; corrupt conduct at corporate elections, Pen. Code, §§ 591-2, 594, 610-11, 613. Presumption of knowledge of, and consent to action of board by each director, § 614.

12. STOCK; amount and number of shares to be specified in certificate of incorporation; specified in certificate for commencing business to be paid before incurring indebtedness, L. 1895, ch. 570, § 1, p. 3064. Whole capital stock must be subscribed before commencing business, § 2, p. 3064; must all be paid in, in cash if corp. desires to hold running race meetings, § 4, p. 3065. Until total stock paid, stockholders are individually liable for corporate debts, Stock Corp. L., § 54, p. 1025. Books to be opened for receiving subscriptions, ten per cent. of subscriptions to be paid in cash at time of subscribing; balance of subscription may be paid in cash or property of not less than par value, Stock Corp. L., §§ 41-2, pp. 1018-9. When subscriptions payable; forfeiture for nonpayment and reissue, § 43, p. 1019. Stock certificates, how prepared and executed, § 40, p. 1017. Court may order issue of new in place of lost certificate, §§ 50-1, pp. 1023-4. Stock-book to be kept and exhibited as required; presumptive evidence of recitals therein, § 29, p. 1013; Pen. Code, § 611, sub. 4. Fraudulent issue of stock, overissue or issue contrary to law, § 591. Increase and reduction of capital stock, Stock Corp. L., §§ 44-6, pp. 1020-1. Preferred and common stock, § 47, p. 1021. Increase or reduction of number of shares, § 56, p. 1026. Stock TRANSFERABLE as prescribed by by-laws, § 40, p. 1017; transfers to be entered in stock-book, to be valid except as to certain purposes, § 29, p. 1013; when consent to transfer by stockholder indebted to corporation may be refused, § 26, p. 1011; transfers of stock in contemplation of insolvency of corporation prohibited, § 48, p. 1022.

13. STOCKHOLDERS. Are members of corporation, Gen. Corp. L., § 3, sub. 8, p. 975. For what purposes purchaser of stock whose transfer is not entered in stock-book is deemed a stockholder, Stock Corp. L., § 20, p. 1013; Gen. Corp. L., § 20, p. 983. By-laws made by, control directors, § 11, p. 978. (See 9. Corporate meetings and elections, ante.) Stockholder objecting to consolidation may have his stock appraised, etc., Bus. Corp. L., § 9, p. 1389. May pay proportion of mortgage debt and be subrogated thereto, Stock Corp. L., § 49, p. 1023. Insolvent corporation prohibited from preferring stockholders, § 48, p. 1022. Liability

of stockholder for corporate debts, §§ 54-5, pp. 1025-6. Consent of majority of stockholders requisite to increase or reduction of capital stock, § 46, p. 1021; to change no. of directors, § 21, p. 1009. Consent of two-thirds requisite to changing no. of shares of stock, § 56, p. 1026. Unanimous consent requisite to issue of preferred stock, § 47, p. 1021; to guaranteeing the bonds of another corporation, § 40, p. 1018.

14. **ANNUAL REPORT.** Contents; how and by whom executed; when and where to be filed; individual liability of directors for corporate debts as a penalty for failure to file; penalty for false report. Stock Corp. L., §§ 30-1, pp. 1012-5; Pen. Code, § 611.

15. **REORGANIZATION** on foreclosure or judicial sale, Stock Corp. L., §§ 3-6, pp. 1005-8. **CONSOLIDATION** of two or more associations, Bus. Corp. L., §§ 8-10, pp. 1388-90. Sale of all corporate property and franchises to another corporation, Stock Corp. L., § 33, p. 1015.

RAFFLING.

Contracts on account of, to be void; money paid for chances may be recovered, R. S., pp. 1765-6, §§ 24-5. Included under term "lottery," Pen. Code, § 323.

RAFTS.

Obstruction of, by bridges prohibited, Trans. Corp. L., § 128, p. 1370. On Hudson river to show lights, L. 1841, ch. 65, p. 1775. Included in term "float," Canal L., § 160, p. 456.

RAIL.

Protection of, Fish., G. & F. L., §§ 77, 163, pp. 883, 900.

RAILROAD COMMISSIONERS, BOARD OF.

1. Consists of 3 members **APPOINTED** by the governor and confirmed by the senate, R. R. L., § 150, p. 1331. Are state officers, Pub. Off. L., § 2, p. 325. To be **ELIGIBLE** must not hold official relations to any r. r. corporation nor own any stock or bonds therein; must be of full age, citizen of U. S., residents of state, and one shall be experienced in railroad business, § 3, p. 325; R. R. L., §§ 150, 154, pp. 1331, 1333. (See, under Public Officers, convictions which disqualify.) **TERM** of office of each member to be 5 years, § 150, p. 1331. **HOLD OVER** until successors appointed and qualify, § 150, p. 1331; Pub. Off. L., § 5, p. 326. **SALARY** \$8,000 and expenses, R. R. L., § 160, p. 1338. **OFFICIAL OATH** must be taken and filed with sec'y of state within 15 days or office forfeited, § 154, p. 1333; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; entering upon duties without filing oath is a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. Office

forfeited by acceptance of pass, solicitation of appointment from r. r. corp., etc., R. R. L., 168, p. 1338; Pen. Code, § 417. (For convictions which work **FORFEITURE**, generally, see Public Officers.) **RESIGNATION** must be in writing, addressed and delivered to governor, Pub. Off. L., § 21, p. 334. **REMOVABLE** by senate on recommendation of governor, §§ 22, 25, pp. 334-6; R. R. L., § 151, p. 1331. **VACANCIES** in office, how created and filled, § 150, p. 1331; Pub. Off. L., §§ 20, 28, pp. 333, 338.

2. **POWERS AND DUTIES**, generally, R. R. L., § 157, p. 1333; certificate of board as to public necessity of road requisite before construction thereof, § 59, p. 1285. To investigate accidents, § 159, p. 1334. May compel ventilation and lighting of tunnels, L. 1891, ch. 360, pp. 2836-8. Recommendations of board where r. r. corporation violates the law or when repairs or additional facilities are necessary; enforcement thereof, §§ 160-2, pp. 1335-6. Stations not to be discontinued without consent of board, § 34, p. 1271. Railroad corporations to make annual reports and furnish such additional information as board may require, §§ 57, 158, 163, pp. 1284, 1334, 1336. Neglect or refusal, a misdemeanor, Pen. Code, §§ 416, sub. 2, 611, sub. 6. Issue of subpoenas; fees of witnesses, R. R. L., § 164, p. 1336. Fees chargeable by board, § 165, p. 1337. Comptroller to apportion annual expenses of board among railroads, § 170, p. 1339.

3. Board may appoint secretary, marshal and other officers, R. R. L., §§ 152-3, p. 1332. Location of office; meetings; quorum, §§ 155-6, p. 1333. To make annual report to legislature, § 166, p. 1337. Certified copies of papers filed with the board to be evidence, § 167, p. 1338. Solicitation of pass, appointment to office, etc., by commissioners and employes, a misdemeanor, § 168, p. 1338; Pen. Code, § 417; officer of railroad offering place also guilty of misdemeanor, § 416. To have free transportation upon passes issued by sec'y of state, R. R. L., § 169, p. 1338. May act as judges to award prizes, § 172, p. 1339.

RAILROAD CORPORATIONS.

1. **CERTIFICATE OF INCORPORATION.** Number and qualifications of incorporators, R. R. L., § 2, p. 1249; Gen. Corp. L., § 4, p. 975. Contents of certificate, generally, R. R. L., § 2, p. 1249; L. 1893, ch. 238, p. 1251. May contain any provisions not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978; may contain provision for holding stock, bonds, etc., of other corporations, Stock Corp. L., § 40, p. 1017; for preferred stock, § 47, p. 1021; for cumulative voting, Gen. Corp. L., § 20, p. 983. Name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976. Number and

qualifications of directors named in certificate, R. R. L., § 2, p. 1249; Gen. Corp. L., § 29, p. 987. Supplemental certificate may be filed containing names and residence of directors, R. R. L., § 3, p. 1251. How certificate executed and where filed; tax and fees must be paid before filing, § 2, p. 1249; Gen. Corp. L., § 5, p. 976. Am't of tax, $\frac{1}{2}$ of 1 per cent. of capital stock corporation authorized to issue, L. 1886, ch. 143, § 1, p. 2604; of fees of sec'y of state, \$10 and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; of co. clerk, 6 cents and 10 cents per folio, Civ. Code, § 3304.

2. REORGANIZATION on foreclosure or judicial sale, Stock Corp. L., §§ 3-6, pp. 1005-8. Liability of reorganized corporation as to extension of road, R. R. L., § 83, p. 1295. REINCORPORATION of electric-light corporation for purpose of building and operating electric railway, § 21, p. 1266.

3. CONSOLIDATION of corporations owning continuous lines; conditions and effect thereof, R. R. L., §§ 70-3, 75, 84, pp. 1287-91, 1295. Consolidation of parallel lines, except street surface, forbidden, § 80, p. 1294. Assessment of property of new corporation, § 74, p. 1290. Confirmation of decree of foreclosure of mortgage made by such consolidated railroads partly in this state, § 76, pp. 1291-2; if purchaser be a foreign corporation, § 77, p. 1292. Mortgagee may purchase at foreclosure sale, § 81, p. 1294. Certificates of stock purchased before foreclosure may be issued within 6 months thereafter, § 82, p. 1295.

4. CHARTER may be changed by legislation, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, certificate of incorporation may be amended, § 7, p. 977; corporate existence therein specified may be extended, § 32, p. 988; name may be changed by court, Civ. Code, §§ 2411-17; business may be altered or extended, Stock Corp. L., § 32, p. 1015; may increase or reduce amount of capital stock or number of shares, §§ 44-6, 56, pp. 1020-1, 1026; or number of directors, § 21, p. 1009. Charter FORFEITED unless construction of road be commenced within 5 years and completed within 10 years after incorporation, R. R. L., § 5, p. 1253.

5. CERTIFICATE, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, § 933. If certificate filed or recorded be LOST or DESTROYED may be replaced, Gen. Corp. L., § 8, p. 977. SUPPLEMENTAL certificate may be filed containing names and residence of directors, R. R. L., § 3, p. 1251.

6. CORPORATE POWERS, generally, R. R. L., § 4, pp. 1251-3. Can not exercise corporate powers except to make surveys until certificate of r. r. com'rs filed, § 59, p. 1285. Has only such powers as are given by law

or necessarily implied, Gen. Corp. L., § 10, p. 978. Perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988. May adopt and alter corporate seal, § 11, sub. 2, p. 978; if none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112. May sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74. May make by-laws, Gen. Corp. L., § 11, p. 978 (see 7, post). May take property by grant or will and dispose thereof, §§ 11, 13-14, pp. 978, 980; R. R. L., § 4, subs. 2, 9, pp. 1252-3. Acquisition by condemnation, § 7, p. 1256; Civ. Code, §§ 3357, ff; by street surface r. r. co., R. R. L., § 90, p. 1296. Improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3. Exercise of banking powers prohibited, Gen. Corp. L., § 19, p. 982. May borrow money and contract debts; unsecured debts not to exceed paid-up capital; debts secured by mortgage not to exceed paid-up capital, or two-thirds of value of corporate property, Stock Corp. L., §§ 2, 24, pp. 1005, 1011; R. R. L., § 4, sub. 10, p. 1253. Mortgage upon real and personal property filed as real estate mortgage need not be refiled as chattel mortgage, L. 1868, ch. 779, p. 2013. Bonds not to be issued for less than market value, Stock Corp. L., § 42, p. 1019; bonds may be converted into stock, § 2, p. 1004; may hold stock, bonds, etc., and guarantee bonds of other corporations; sell property and franchises to another corporation, §§ 40, 33, pp. 1017, 1015; R. R. L., § 102, p. 1310; but may not hold stock of navigation corp., Trans. Corp. L., § 10, p. 1341. May establish ferries, if terminus in N. Y. harbor, R. R. L., § 54, p. 1283. May lease other railroads and acquire stock therein, R. R. L., §§ 78-9, pp. 1292-3; but lease or consolidation of parallel lines, except by street surface corporations, prohibited, § 80, p. 1294. Additional powers if incorporated to construct RAILROAD in FOREIGN COUNTRY; to maintain principal office in this state, §§ 17-19, pp. 1264-5.

7. BY-LAWS adopted by stockholders control directors; directors may make, if stockholders do not; by-laws made by directors, regulating elections, to be published, Gen. Corp. L., §§ 11, 29, pp. 978, 987; by-laws may provide for the management of the corporate property and the regulation of its affairs, Gen. Corp. L., § 11, p. 978; the manner of transferring stock, § 11, p. 978; Stock Corp. L., § 40, p. 1017; fix time and place of elections of directors, regulate notice thereof, and the calling of stockholders' meetings generally, Stock Corp. L., § 20, p. 1009; Gen. Corp. L., § 11, p. 978; and manner of appointing inspectors of election thereat, Stock Corp. L., § 28, p. 1012; prescribe powers and duties of officers, Stock Corp. L., § 27, p. 1012; fix quorum

of directors and what proportion of directors must concur to constitute action by board, Gen. Corp. L., §§ 11, 39, pp. 978, 992; manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009.

9. CORPORATE MEETINGS and ELECTIONS; directors to be elected by stockholders; other officers to be appointed by directors, Gen. Corp. L., § 11, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012; times, places and notices thereof; manner of calling meetings; quorum of stockholders; manner of appointing inspectors, to be regulated by by-laws, Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6; Stock Corp. L., § 28, p. 1012. Directors chosen by plurality vote; at least one-fourth of directors must be elected annually, Stock Corp. L., § 20, p. 1009. Qualifications of voters, proxies, challenges, appointment of inspectors; special meetings, and election procedure generally; review of election by court, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012; voting or giving proxy vote without title, possession and control of stock, selling vote or proxy; violation by inspector of his oath, punishable, Pen. Code, § 613. Stock of municipal corporations, how represented, R. R. L., § 75, p. 1291. Change of time for holding annual election authorized, L. 1881, ch. 317, p. 2525.

10. OFFICERS, including DIRECTORS; FILLING and VACATING the offices. Directors to be elected by stockholders; other officers to be appointed by directors; president must be a director; other officers need not be; compensation, Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Number of directors to be specified in certificate of incorporation, R. R. L., § 2, p. 1249; may be increased or diminished, Stock Corp. L., § 21, p. 1009; at least two directors must be residents of this state, Gen. Corp. L., § 29, p. 987; all directors must be stockholders or officers of another corporation which owns stock, Stock Corp. L., §§ 20, 40, pp. 1009, 1017; at least one-fourth of directors must be elected annually; by-laws must prescribe manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009 (see 9, ante); directors to hold over until successors elected and qualified, Gen. Corp. L., § 23, p. 985; Stock Corp. L., § 22, p. 1010; action to suspend or remove officer or director for misconduct; if all removed, vacancies to be filled by governor with advice and consent of senate, Civ. Code, §§ 1781-3.

11. OFFICERS, including DIRECTORS; duties and liabilities; powers and duties, generally, may be prescribed by by-laws, Stock Corp. L., § 27, p. 1012; president or vice-president and sec'y and treasurer must sign certificates of stock, § 40, p. 1017, and annual report, § 30, p. 1014. Treasurer must make statement of assets and liabilities when properly requested, § 52, p. 1024;

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4. REFEREES, selection and qualifications of, Civ. Code, §§ 1024-6, 1011-2; Sup. Ct. Rules 79, 72; court clerks and attendants not to act as, Civ. Code, §§ 90, 2500. Oath of, generally, § 1016; in supplementary proceedings, § 2445; effect of omission to be sworn, § 721, sub. 12. TRIALS before, general provisions, §§ 1014-26; subpoena of witnesses; production of books and papers, §§ 1017, 867-9; depositions may be read at, § 881; exceptions, §§ 992-8; findings, § 1022; case, when made; contents; how settled, §§ 997-8, 1004. Trial of specific questions of fact, §§ 1013-4, 1226, 1004. REPORT, when to be made, § 1019; contents, §§ 1021-2; included in judgment-roll, § 1237; stands as decision of court, § 1228; judgment upon, §§ 1221-35. Entry by co. clerk of reports stating deposit with co. treasurer, L. 1889, ch. 330, § 1, p. 2758. Appeals from, Civ. Code, §§ 1338, 1346, 996, 1232. Costs awarded by referee, §§ 3248, 3256, 3262; on adjournments, § 3255. FEES of, generally, § 3296; in surrogate's court, § 2566; on sales of real property, § 3297; included in bill of costs, § 3256; on application for order to change location of toll-gates, Trans. Corp. L., § 133, p. 1372. Contempt before, Civ. Code, §§ 2266, ff; Pen. Code, § 143. Bribery or misconduct of; improperly influencing, Pen. Code, §§ 71, 73-5. Intimidation of, a misdemeanor, § 127.

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2. New York State Reformatory at Elmira, management of; discipline and release of prisoners, L. 1887, ch. 711, pp. 2723-30; system of prison labor therein, L. 1889, ch. 382, § 8, p. 2771; superintendent's power as to commutation of sentence, L. 1888, ch. 21, § 19, p. 2663. Expense of trial of inmates for crimes committed during imprisonment to be paid by state, L. 1882, ch. 389, p. 2548.

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1. Consists of 19 elective and four ex-officio members, Univ. L., § 4, p. 1476; must be at least nine regents, Const. a. 9, § 2, p. 78.

2. Elective regents chosen by legislature, Univ. L., § 4, p. 1476. Are state officers, Pub. Off. L., § 2, p. 325. To be ELIGIBLE must be of full age, citizens of U. S. and residents of state, § 3, p. 325. (See under Public Officers, convictions which disqualify.) OFFICIAL OATH must be taken and filed with sec'y of state within 15 days after appointment or office forfeited; form of oath and by whom administered, §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Univ. L., § 5, p. 1476; assuming duties without oath forbidden, but official acts validated, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. (For convictions which work forfeiture, see Public Officers.) RESIGNATION must be in writing, delivered to and filed with sec'y of state, § 21, p. 334; failure to attend three consecutive meetings without satisfactory excuse deemed resignation, Univ. L., § 6, p. 1477. VACANCIES, how created and filled, § 4, p. 1476; Pub. Off. L., § 20, p. 333. Expenses paid, § 42, p. 339.

3. POWERS AND DUTIES. Elective officers of university chosen by regents, Univ. L., § 5, p. 1476. Meetings called by chancellor; quorum; executive committee,

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2. In N. Y. city and county, to be elected every two or four years, Const. a. 10, § 1, p. 79; office hours, Co. L., § 165, p. 641; to provide indices, L. 1843, ch. 199, § 1, p. 1831; to receive wills, deeds, etc., for safe keeping, R. S., pp. 1906-7, §§ 63-9. Contract for conditional sale to be filed with, L. 1884, ch. 315, § 2, p. 2609; chattel mortgages, L. 1833, ch. 279, § 2, p. 2013.

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1. **CERTIFICATE OF INCORPORATION**, defined, Gen. Corp. L., § 3, sub. 7, p. 975; where filed, Relig. Corp. L., § 3, p. 1395. May contain any provision which does not exempt trustees from obligations imposed by law, Gen. Corp. L., § 10, p. 978. Name not to resemble that of any existing corporation, § 6, p. 976.

2. **CONSOLIDATION** of incorporated churches; procedure therefor; powers of new corporation, Relig. Corp. L., § 12, p. 1400. **DISSOLUTION** upon petition to sup. ct., L. 1872, ch. 424, pp. 2331-3. Exempted from general provisions as to dissolution of corporations, Civ. Code, § 1804. Disposition of property of extinct churches without corporate dissolution, Relig. Corp. L., § 15, p. 1403.

3. **CHARTER** may be CHANGED by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, certificate of incorporation may be amended, § 7, p. 977; corporate existence therein specified may be extended, § 32, p. 988; name may be changed, Civ. Code, §§ 2411-7.

4. **CERTIFICATE**, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, § 933. If certificate filed or recorded be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

5. Must organize and commence the discharge of its duties within two years after incorporation, Gen. Corp. L., § 31, p. 988.

6. **CORPORATE POWERS** are only such as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; perpetual succession for what period, §§ 11, 32, pp. 978, 988. May adopt and alter corporate seal, § 11, p. 978; if none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112. May sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74.

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7. **BY-LAWS**, by whom made; provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 29, 39, pp. 978, 987, 992; Relig. Corp. L., § 5, p. 1396; may provide who shall be proxies for members and duration of proxies, Gen. Corp. L., § 21, p. 984.

8. **TRUSTEES** also designated directors, Gen. Corp. L., § 3, sub. 6, p. 975; at least two must be residents of this state, § 29, p. 987; hold over until successors chosen, § 23, p. 985; may be suspended or removed for misconduct, Civ. Code, §§ 1781-3. General powers and duties of trustees, Relig. Corp. L., § 5, p. 1396. Action brought against corporation with collusion of directors may be stayed, Gen. Corp. L., § 28, p. 986. When liable with corporation may be joined as defendants or sued separately, Civ. Code, §§ 1790-6. Corporate officers not privileged from testifying as to corporate matters on ground of incrimination, etc., § 1805. Directors are trustees of creditors on dissolution if court does not appoint others, Gen. Corp. L., § 30, p. 987.

9. **CORPORATE MEETINGS** and **ELECTIONS**, when held; voters; proxies; conduct of election; review thereof by court, Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6.

10. **EXEMPT FROM TAXATION** on personal property and under transfer tax law, L. 1889, ch. 191, § 1, p. 2748. Exemption of real property, R. S., p. 1676, § 4; L. 1893, ch. 498, p. 1678.

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13. Reformed Dutch; Reformed Presbyterian; Reformed Church in America; Evangelical Lutheran churches. Decision as to system of incorporation and gov't, *Relig. Corp. L.*, §§ 60-1, p. 1416. Execution, contents and filing of certificate of incorporation, § 62, p. 1417. Changing system of choosing trustees, §§ 64-6, pp. 1418-9. United Brethren in Christ, omission of church to elect trustees, § 91, p. 1426.

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RICHMOND COUNTY.

1. Is in 2d JUDICIAL district, L. 1847, ch. 241, p. 2093. In 7th CONGRESSIONAL district, L. 1892, ch. 295, p. 2849. In 1st SENATORIAL district, Const. a. 3, § 3, p. 40. Entitled to one member of ASSEMBLY, § 5, p. 46. Salary of co. judge, Co. L., § 222, p. 654. Stenographer for supreme and county court, Civ. Code, § 256. Subpoena of N. Y. city ct. may be served in, § 338.
2. Appointment of wreck masters in, Town L., § 150, p. 766. Election of overseers of poor, § 12, p. 727. Excepted from provisions as to compensation of supervisors, Co. L., § 23, p. 603; as to electric lighting in villages, L. 1888, ch. 452, p. 2738; as to assessment of water rates by water commissioners in villages, L. 1880, ch. 597, p. 2398. Protection of rabbits in, Fish., G. & F. L., § 49, p. 879; of fish, § 138, p. 894.

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ROAD MACHINES.

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ROBBIN'S ISLAND.

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ROMAN CATHOLIC CHURCHES.

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1. GENERAL PROVISIONS; term safe deposit company, as used in banking law, defined, Bank. L., § 2, p. 1028; is a moneyed corporation, Gen. Corp. L., § 3, sub. 4, p. 974; cannot be incorporated by special law, Const. a. 8, § 4, p. 74; Stock Corp. L., a. 1, not applicable to, Stock Corp. L., § 1, p. 1003.

2. CERTIFICATE OF INCORPORATION; number and qualification of incorporators, Bank. L., § 210, p. 1124; Gen. Corp. L., § 4, p. 975; contents of certificate, generally, Bank. L., § 210, p. 1124; may contain any provision not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978; may provide for preferred stock, Stock Corp. L., § 47, p. 1021; for cumulative voting, Gen. Corp. L., § 20, p. 983; name not to resemble name of existing corporation, § 6, p. 976; number and qualifications of directors named in certificate, Bank. L., § 210, p. 1124; Gen. Corp. L., § 29, p. 987; how certificate executed and where filed, Bank. L., § 210, p. 1124; Gen. Corp. L., § 5, p. 976; certificate can not be filed without approval of sup't of banks and his certificate that it has complied with law and is authorized to transact safe deposit business, Bank. L., § 30, p. 1048; fee to be paid before filing, Gen. Corp. L., § 5, p. 976; of co. clerk, 6 cents and 10 cents per folio, Civ. Code, § 3304.

3. CHARTER MAY BE CHANGED by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation certificate of incorporation may be amended, § 7, p. 977; corporate existence therein speci-

fied may be extended, Gen. Corp. L., § 32, p. 988. Business may be altered or extended, Stock Corp. L., § 32, p. 1015. Name may be changed by court, Civ. Code, §§ 2411-17; place of business may be changed, Bank. L., § 29, p. 1047. May increase the am't of capital stock, or no. of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or no. of directors, § 21, p. 1009.

4. CERTIFICATE PRESUMPTIVE EVIDENCE of incorporation and of facts recited, Gen. Corp. L., § 9, p. 978; certified copy is evidence, Civ. Code, § 933; if certificate filed be lost or destroyed, it may be replaced, Gen. Corp. L., § 8, p. 977.

5. BEFORE COMMENCING BUSINESS capital stock must all be paid in cash; deposit made with sup't; certificate of sup't, and affidavit of officers filed, Bank. L., §§ 12-13, 210, pp. 1034-5, 1124; charter forfeited unless such affidavit be filed within one year, § 13, p. 1035; and business commenced within two years, Gen. Corp. L., § 31, p. 988.

6. CORPORATE POWERS; has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; perpetual succession for what period, Gen. Corp. L., § 11, sub. 1, p. 978; Bank. L., § 210, p. 1124; Gen. Corp. L., § 32, p. 988; may adopt and alter corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978; if not adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; may make by-laws, Gen. Corp. L., § 11, p. 978 (see 7. By-Laws, post); may take property by grant or will and dispose thereof, Gen. Corp. L., §§ 11, 13-14, pp. 978, 980; improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3; bonds not to be issued for less than market value, Stock Corp. L., § 42, p. 1019; consolidate with other safe deposit corporations, Bank. L., §§ 34-8, pp. 1050-3; corporation has all powers necessary to carry on business of safe deposit company, Bank. L., § 210, p. 1124; on nonpayment of vault rent may have securities listed and withdrawn, Bank. L., § 214, p. 1126.

7. BY-LAWS, adopted by stockholders, control directors; directors may make, if stockholders do not; by-laws, made by directors, regulating elections, to be published, Gen. Corp. L., §§ 11, 29, pp. 978, 987; by-laws may provide for the management of the corporate property and the regulation of its affairs, Gen. Corp. L., § 11, p. 978; the manner of transferring stock, § 11, p. 978; Stock Corp. L., § 40, p. 1017; fix time and place of elections of directors, regulate notice thereof, and the calling of stockholders' meetings generally, Stock Corp. L., § 20, p. 1009; Gen. Corp. L., § 11, p. 978; fix quorum of stockholders' meet-

ings, Gen. Corp. L., § 11, p. 978; and manner of appointing inspectors of election thereat, Stock Corp. L., § 28, p. 1012; prescribe powers and duties of officers, Stock Corp. L., § 27, p. 1012; fix quorum of directors, and what proportion of quorum must concur to constitute action by board, Gen. Corp. L., § 39, p. 992; manner of filling vacancies in board of directors, Stock Corp. L., § 20, p. 1009; Bank. L., § 212, p. 1125.

8. CORPORATE MEETINGS AND ELECTIONS; directors to be elected by stockholders; other officers to be appointed by directors, Gen. Corp. L., § 11, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012; Bank. L., §§ 211-2, p. 1125; time of annual election of directors may be fixed by by-laws, Gen. Corp. L., § 11, p. 978; Stock Corp. L., § 20, p. 1009; Bank. L., § 211, p. 1125; notice of election, how given, Stock Corp. L., § 20, p. 1009; quorum at stockholders' meetings may be fixed by by-laws, Gen. Corp. L., § 11, sub. 5, p. 979; qualifications of voters, proxies, challenges, inspectors, election procedure generally, review of election by court; director not to be an inspector, Gen. Corp. L., §§ 20-7, pp. 983-6; Stock Corp. L., § 28, p. 1012; Bank. L., § 211, p. 1125; directors to be elected by plurality vote, Stock Corp. L., § 20, p. 1009; term of office of director one year, Bank. L., § 211, p. 1125; special election of directors, when and how held, Gen. Corp. L., §§ 24-6, pp. 985-6; voting or giving proxy to vote without title, possession and control of stock; selling vote or proxy; violation of his oath by inspector, punishable, Pen. Code, § 613.

9. OFFICERS, including DIRECTORS; filling and vacating the offices. Directors to be elected by stockholders; other officers to be appointed by directors, Bank. L., §§ 211-2, p. 1125; Stock Corp. L., §§ 20, 27, pp. 1009, 1012; Gen. Corp. L., § 11, sub. 4, p. 978; president must be a director; other officers need not be, Stock. Corp. L., § 27, p. 1012; Bank. L., § 212, p. 1125; number of directors to be specified in certificate of incorporation, Bank. L., § 210, p. 1124; may be increased or diminished, Stock Corp. L., § 21, p. 1009; each director must be a citizen of U. S., and majority must be residents of this state, Bank. L., § 211, p. 1125; all directors must be stockholders, owning requisite amount of stock; term of office one year; to hold over till successors elected; vacancies to be filled by election, or by directors, Bank. L., § 211, p. 1125 (see 8. Corporate Meetings and Elections, ante); action to suspend or remove officer or director for misconduct; if all removed; vacancies to be filled by governor with advice and consent of senate, Civ. Code, §§ 1781-3.

10. OFFICERS (other than directors); duties. Are subject to control of directors; powers and duties, generally, such as prescribed by by-laws or by directors, Stock

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11. DIRECTORS and OFFICERS, generally; duties and liabilities, Bank. L., § 212, p. 1125; quorum of directors, Gen. Corp. L., § 29, p. 987; majority of quorum may act, unless otherwise provided by law or by by-laws, Gen. Corp. L., § 39, p. 992; directors may require of officers and employees security for faithful performance of their duties, Stock Corp. L., § 27, p. 1012; Bank. L., § 212, p. 1125; must open books for subscriptions to stock, § 41, p. 1018; must prepare certificates of stock, § 40, p. 1017; may prescribe times of payment of capital stock and declare stock forfeited for nonpayment; capital stock must all be paid in cash and affidavit thereof filed before commencing business, and within one year after incorporation, Stock Corp. L., § 43, p. 1019; Bank. L., §§ 12, 13, pp. 1034-5; may refuse to transfer stock of stockholder indebted to corporation, Stock Corp. L., § 26, p. 1011; by two-thirds vote, may exchange preferred for common stock, § 47, p. 1021; with consent of stockholders, may extend corporate business, Stock Corp. L., § 32, p. 1015. Directors of two or more corporations may submit to stockholders an agreement for consolidation, Bank. L., §§ 34-8, pp. 1050-3; preferences to officers and directors of insolvent corporation prohibited; individual liability therefor, Stock Corp. L., § 48, p. 1022. Transfer of property of corporation over \$1,000, except notes, etc., by any officer or director without consent of board prohibited; individual liability therefor, Stock Corp. L., § 48, p. 1022; restrictions generally as to dealings of corporation with its officers, Bank. L., § 25, pp. 1043-4; actions brought against corporation, with collusion of directors, may be stayed, Gen. Corp. L., § 28, p. 986; actions to restrain or set aside unlawful acts of directors, Civ. Code, §§ 1781-3; when liable with corporation, may be joined as defendants or sued separately, Civ. Code, §§ 1790-6; corporate officers not privileged from testifying as to corporate matters, on ground of incrimination, etc., Civ. Code, § 1805; directors are trustees on dissolution, if court does not

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12. STOCK; amount of capital stock and number of shares to be specified in certificate of incorporation, Bank. L., § 210, p. 1124; amount and number of shares may be increased or reduced, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; unauthorized increase of stock a misdemeanor, Pen. Code, § 610; preferred stock, how exchanged for common stock, Stock Corp. L., § 47, p. 1021; capital stock must be paid in cash, deposit made with sup't, certificate of sup't and affidavit of officers filed before commencement of business, Bank. L., §§ 12-13, pp. 1034-5; books to be opened for receiving subscriptions; 10 per cent. of subscriptions to be paid in cash at time of subscribing; when subscriptions payable; forfeiture for nonpayment; reissue, Stock Corp. L., §§ 41, 43, pp. 1018, 1019; Stock certificates, how prepared and executed, Stock Corp. L., § 40, p. 1017; court may order issue of new in place of lost certificate, §§ 50-1, pp. 1023-4; stock-book to be kept and exhibited as prescribed, Stock Corp. L., § 29, p. 1012; refusal to exhibit, a misdemeanor, Pen. Code, § 611, sub. 4; fraudulent subscription to stock; overissue, or issue contrary to law, punishable, Pen. Code, §§ 590-1; transfers of stock to be regulated by by-laws, Stock Corp. L., § 40, p. 1017; transfer by stockholder indebted to corporation may be refused, § 26, p. 1011; no transfer to be valid for certain purposes until entered on stock-book; stock-book presumptive evidence of facts therein stated, Stock Corp. L., § 29, p. 1013; transfers of stock in contemplation of insolvency void, Stock Corp. L., § 48,

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SARATOGA COUNTY.

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1. Filling and vacating the office. Is a state officer, Pub. Off. L., § 2, p. 325. To be elected at general election biennially, after 1898; term of office, three years from January 1, 1896, and thereafter two years, commencing with January 1st next after election, Const. a. 5, §§ 1-2, p. 58. Does not hold over after expiration of term, Pub. Off. L., § 5, p. 326; Const. a. 5, § 1, p. 58. To be eligible must be of full age, citizen of U. S. and resident of state, Pub. Off. L., § 3, p. 325. (For convictions which disqualify, see Public Officers.) Salary is \$5,000, besides office expenses, Ex. L., § 20, p. 369. Not to be increased or diminished during his term, Const. a. 5, § 1, p. 58. Official oath must be taken and filed before or within 15 days after commencement of term, or office forfeited; form of oath; what officers may administer, Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84. Entering upon duties of office without filing, is misdemeanor, but does not invalidate acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. Resignation must be in writing, addressed to legislature and filed in his office, § 21, p. 334. Removable by the senate on recommendation of the governor, §§ 22, 25, pp. 334-5. Vacancy in office, how created and filled, §§ 20, 30-1, pp. 333, 338; Elec. L., § 4, p. 240.

2. Is EX-OFFICIO commissioner of land office, commissioner of canal fund, member of canal board, Const. a. 5, § 5, p. 60. Of

state board of canvassers, Elec. L., § 138, p. 318. A regent, Univ. L., § 4, p. 1470. Expenses of office, Ex. L., § 20, p. 369. Appoints deputy at \$4,000, § 21, p. 369. Second deputy, L. 1895, ch. 107, p. 3025.

3. **POWERS and DUTIES.** Administer and file oaths of state officers, Pub. Off. L., § 10, p. 328. And notify of neglect to file, § 13, p. 331. To file certificate of commissioners of deeds outside state, Ex. L., § 87, p. 386. Depositions of aliens, R. S., p. 1785, § 15. Resolutions creating surrogates, Co. L., § 221, p. 652. May sign incomplete records of office, L. 1895, ch. 107, p. 3025. Has custody of all records and documents under great seal, Ex. L., § 21, p. 369. Distributes acts of congress, § 23, p. 370. Publishes and distributes STATE LAWS, § 24, p. 370; Leg. L., §§ 44-6, p. 351; Co. L., § 19, p. 601. Publishes and delivers legislative manual, Ex. L., § 25, p. 370. Exchanges laws with other states, § 27, p. 371. Laws and concurrent resolutions deposited with, Leg. L., § 42, p. 350. Distributes journals and bills, § 47, p. 352. Slips of session laws, §§ 48-9, p. 353. Must report to legislature when required, Ex. L., § 70, p. 379. Poor statistics annually, R. S., p. 1751, § 79. With comptroller advertises and lets public printing, Ex. L., §§ 72-3, pp. 379-80; Leg. L., § 71, pp. 357-8. And legislative binding, § 79, p. 364. Is custodian of GREAT SEAL of state, State L., § 43, p. 198. To attest commissions of public officers under great seal, Pub. Off. L., § 8, p. 327. To provide seals for state officers and court of appeals, § 40, p. 339. Impress of county seals to be filed with, Co. L., § 235, p. 658. His certificate to be attached to or contained in published book of law to entitle it to be read in evidence, Civ. Code, § 932. His certified copy of records and files, evidence, § 933. Establishment of disputed town lines to be filed with, Co. L., § 36, p. 608. Directs taking of census in 1905, Const. a. 3, § 4, p. 45. May visit jails, etc., Co. L., § 103, p. 627.

4. **FEES** chargeable by, Ex. L., § 26, p. 370. For certified copy of law, Civ. Code, § 932. May not receive fee to his own use, Const. a. 5, § 1, p. 58; Pen. Code, §§ 48, 557. Must account quarterly to state treasurer for all fees, Ex. L., § 71, p. 379. To publish monthly statements, L. 1877, ch. 245, p. 2427.

See Canal Board; Canal Commissioners; Foreign Corporations; Elections; Regents; Taxation.

SECURITY.

To keep the peace; information; examination; warrant; undertaking; and proceedings generally, Crim. Code, §§ 84-90.

See Bail; Bonds; Undertaking.

SEDUCTION.

Under promise of marriage, punishable, Pen. Code, §§ 284-6.

SELF-DEFENSE.

When a defense to criminal charge, Pen. Code, § 26.

SENATE.

1. Is composed of 50 members, Const. a. 3, § 2, p. 40. But on reapportionment, may have additional members; districts to be altered after census, Const. a. 3, § 4, p. 45.

2. **FILLING and VACATING the OFFICE** of senator; one to be elected from each district, biennially, Const. a. 3, § 2, p. 40. Are state officers, Pub. Off. L., § 2, p. 325. To be eligible to office must be of full age, citizen of U. S. and resident of state, § 3, p. 325. Must not at time of his election nor within 100 days previously have been member of congress, officer under U. S. government or under any civil government, and acceptance of such appointment vacates office of senator, Const. a. 3, § 8, p. 48. Senate is judge of election and qualification of its own members, Const. a. 3, § 10, p. 48. Term of office commences on January 1, next after election, Const. a. 10, § 6, p. 81; Pub. Off. L., § 4, p. 326. Duration is 2 years, Const. a. 3, § 2, p. 40. Does not hold over after expiration of term, Pub. Off. L., § 5, p. 326. Salary \$1,500, mileage, and \$10 per day during impeachment, Const. a. 3, § 6, p. 48. When payable, Leg. L., § 5, p. 342. Additional compensation; fees and perquisites; increase or decrease of salary during term prohibited Const. a. 10, § 9, p. 81; Pen. Code, § 48. Official OATH must be taken and filed with sec'y of state before entering on duties of office and before January 17th or office forfeited, Const. a. 13, § 1, p. 84; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333. Acting without filing is misdemeanor, but does not invalidate action, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. Office forfeited by failure to take oath, Pub. Off. L., §§ 13, 20, pp. 331, 333. By acceptance of certain other offices, Const. a. 3, §§ 7-8, p. 48. Expulsion of members, Leg. L., § 3, p. 342. **RESIGNATION** must be in writing, addressed to the president of senate and filed with sec'y of state, Pub. Off. L., § 21, p. 334. **VACANCY** in office, when filled by special elections; when by general election, Elec. L., § 4, p. 240.

4. **OFFICERS and EMPLOYES** of senate, Leg. L., §§ 7-22, pp. 343-8. Powers and duties of senate, Const. a. 3, § 1, p. 39. Sits as court of impeachment, Const. a. 6, § 13, p. 66. May choose temporary presiding officer, Const. a. 3, § 10, p. 49. Confirm or reject nominations, Pub. Off. L., § 7, p. 327. Removal of officers by, § 22, p. 334. Proceedings when sitting as court of impeachment, Crim. Code, §§ 12-20, 118-30.

See Impeachment; Legislature.

SENATE DISTRICTS.

Defined, Const. a. 3, § 3, p. 43. When and how to be altered, a. 3, § 4, p. 45.

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SENATE HOUSE AT KINGSTON.

Under care of trustees of public buildings; keeper appointed at salary of \$600, Pub. Build. L., §§ 30-2, p. 498.

SENATORS OF U. S.

Election of, U. S. R. S., §§ 14-9; U. S. Const. a. 1, § 4, sub. 1, p. 2.

SENECA COUNTY.

Is in the 7th JUDICIAL district, L. 1847, ch. 241, p. 2093. In 39th SENATORIAL district, Const. a. 3, § 3, p. 43. In 29th CONGRESSIONAL district, L. 1892, ch. 295, p. 2849. Entitled to one member of ASSEMBLY, Const. a. 3, § 5, p. 45. Salary of county judge, Co. L., § 222, p. 653.

SENECA INDIANS.

See Indians.

SENTENCE.

Discretion of court as to time and suspension, Pen. Code, §§ 12-4, 681. Must name place of imprisonment, § 705. On conviction of several offenses, §§ 694-5. When to expire, § 697.

SEPARATE PROPERTY.

Of married women, L. 1848, ch. 200, pp. 2104-7.

SEPARATION.

For what causes maintainable, Civ. Code, §§ 1762-3. Pleadings and judgment, §§ 1764-7. Provisions as to custody of children; costs; security, for alimony, §§ 1767-75.

SEQUESTRATION.

Action by judgment creditor to sequester property of corporation, Civ. Code, § 1784.

SERGEANT-AT-ARMS.

Elected by senate; by assembly, Leg. L., §§ 6-7, p. 343. Compensation of each, § 10, p. 344.

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To be preferred in payment by receivers of copartnership property, L. 1895, ch. 899, p. 3109. By assignee, L. 1877, ch. 466, § 29, p. 2438. By receivers of corporations, L. 1885, ch. 376, p. 2650. Actions by, in justice's court and in city court of N. Y., Civ. Code, §§ 3131, 3167, 3221-2. Penal provisions concerning servant of ambassador, Pen. Code, § 27. Embezzlement by, § 528. Servants wrongfully leaving employment, § 673. Homicide, §§ 182, 203-5.

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1. Of criminal subpoena, Crim. Code, §§ 614-8. Of notice of appeal, § 522. Of warrant, §§ 155, 478.

2. Of papers, generally; service and proof, Civ. Code, §§ 796-802. Upon attorney of adjoining state, § 60. Upon prisoner, §§ 131-2. Of summons, personally or by substituted service, §§ 425-45. In justice's or city courts,

§§ 3165, 3170, 2878-85, 3205, 3208, 638, 2910. Of subpoenas, §§ 852-4, 2532, 2970, 3201. When affidavit of service may be read in evidence, § 927. Method of service of state writs, § 1929. Habeas corpus, § 2000. Of certiorari, § 2130. Citations from surrogate, §§ 2519-22. Notices and pleadings in N. Y. city court, §§ 3161-6. What affidavit of service shall contain if made by person other than sheriff; must be made by person over 18; contents of affidavit in action for divorce, Sup. Ct. Rule 18.

SESSION LAWS.

How read in evidence, Civ. Code, § 932. Changes of names to be published in, § 2417. See Legislature; Secretary of State.

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See Aliens; Bastards; Case; Dower; Poor.

SEVERANCE OF ACTION.

See Action.

SEWERAGE.

See Drainage and Sewerage.

SHAD.

When may be caught, Fish., G. & F. L., § 136, p. 893. Not by drawing off water or by explosives, §§ 101-2, pp. 886-7. Use of nets, when allowed, § 150, p. 897.

SHADE TREES.

Malicious injury to, punishable, Pen. Code, § 640. Abatement of highway tax for planting, High. L., § 44, p. 683. Penalty for hitching horses to, L. 1875, ch. 215, p. 2404.

SHAKERS.

Method of obtaining children detained by, R. S., p. 1895, § 5.

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SHELLFISH.

Illegally interfering with planted beds, a misdemeanor, Pen. Code, § 640, sub. 8. Penalty for nonresident taking or planting oysters, § 441. To be under care of state oyster protector, Fish., G. & F. L., § 180, p. 903. Close season in certain waters, §§ 187-9, 194-5, 198, pp. 904-8. Nonresidents may not gather, § 190, p. 905. Tools that may be used for dredging, § 191, p. 905. Size of salable lobsters, § 192, p. 906. Regulations of sale of oysters, § 193, p. 906. In Suffolk county supervisors may regulate, § 173, p. 902.

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Is one of the board of fisheries, game and forest; compensation and duties, Fish., G. & F. L., §§ 3-4, p. 872. See Fisheries, Game and Forest Commissioners.

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Rule abolished, R. S., p. 1792, § 28.

SHELTER FOR UNPROTECTED GIRLS.

Name of institution changed, L. 1881, ch. 278, §§ 10-11, pp. 2523-4. Change of name not to affect rights or property, §§ 12-13, p. 2524. Girls under 16 in certain districts to be committed to, §§ 1-3, pp. 2520-1. May be committed by parents or by other charitable institutions, §§ 4-5, p. 2522. Employment and management, § 6, p. 2522. Supervisors of several counties to provide for expenses, § 8, p. 2523. Conditional discharge from and return to, § 14, p. 2524.

SHERIFF.

1. FILLING and VACATING the office; method to be provided by legislature, Const. a. 10, § 2, p. 80. One to be elected in each county triennially, except in Kings and New York; may hold no other office and are ineligible for re-election for next term, Co. L., § 180, p. 642; Const. a. 10, § 1, p. 79. Is a local officer, and to be eligible must be of full age, citizen of U. S. and resident of county, Pub. Off. L., §§ 2, 3, p. 325. TERM is 3 years from 1st of January after election, Co. L., § 180, p. 642. Does NOT HOLD OVER, Pub. Off. L., § 5, p. 326. Official OATH must be taken and filed with county clerk, within 15 days after commencement of term or office forfeited, §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84. Penalty for neglect, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. Must file with county clerk UNDERTAKING, approved by him in at least \$15,000; to be renewed annually, Co. L., § 180, p. 642; Const. a. 10, § 1, p. 79. RESIGNATION must be in writing, addressed to governor, and takes effect on delivery to him, Pub. Off. L., § 21, p. 334. VACANCY in office, how created and filled, §§ 20, 31, pp. 333, 338; Co. L., § 180, p. 642. REMOVABLE by governor on presentation of charges; procedure for removal; expenses a county charge, Const. a. 10, § 1, p. 79; Pub. Off. L., §§ 23-5, pp. 335-6; Co. L., § 230, sub. 16, p. 656.

2. ORGANIZATION of OFFICE. Where office to be kept; designation to be filed with clerk, Co. L., § 184, p. 643. Where service of papers on sheriff may be made, § 184, p. 644. Appointment of undersheriff and deputies, §§ 181-2, p. 643. Amount of fees chargeable, Civ. Code, §§ 3307-9, 3287. In criminal matters, R. S., p. 1944, §§ 11-2. For conveying to insane hospital, L. 1874, ch. 446, p. 2362; L. 1890, ch. 126, p. 2783. For conveying convicts, L. 1877, ch. 128, p. 2426. For attaching vessels, L. 1862, ch. 482, p. 2200, § 14. For service to state, Co. L., § 185, p. 644.

3. POWERS and DUTIES. In regard to wrecked property, Town L., §§ 138-149, pp. 762-5. Liability of sheriff suffering im-

prisoned debtor to escape, R. S., p. 1934, § 32. Duties in transportation of convicts, L. 1875, ch. 571, p. 2413. In enforcing liens on vessels, L. 1862, ch. 482, pp. 2198-2205. Have power of game protectors, Fish., G. & F. L., § 31, p. 876. Have charge and management of county jail, Co. L., § 92, p. 623; § 183, p. 643. Criminal liability for suffering escape, Pen. Code, §§ 89-90. For permitting escape, §§ 115-6. May contract with supervisors relative to board of civil prisoners, L. 1875, ch. 251, p. 2406. Duties in drawing and summoning grand jury, R. S., p. 1939, §§ 10-2. May be required to remove trespassers from public lands or Indian lands, Pub. Lands L., § 7, p. 393; Ind. L., § 8, p. 205. May investigate causes of fires, L. 1857, ch. 504, p. 2161. When to call out militia, Mil. Code, § 162, p. 544; Crim. Code, § 102. To furnish rooms for board of claims and to attend sessions, L. 1883, ch. 205, § 4, p. 2562. To proclaim opening of courts, R. S., p. 1904, § 39. May not practice as attorney, Civ. Code, § 62. Liability as bail, §§ 587, 595. May amend return, § 725. Duties in drawing trial jury, §§ 1173-4, 1106, 1146-8. May not purchase at execution sale, § 1387. Liability in collection of fines, § 2300. Actions upon his bond, §§ 1880-5. Powers of former sheriff and new sheriff; delivery of process and prisoners, §§ 182-9. Misconduct in exercise of official functions, and punishment, Pen. Code, §§ 114-21, 349, 76.

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When and how executed and effect of, Civ. Code, §§ 1440, 1471-8.

SHERIFF'S JURY.

How called, and costs, Civ. Code, §§ 108-9. In N. Y. county, § 1112. Called to try dispute as to goods attached, §§ 657-9. To goods levied upon under execution, §§ 1418-21; taken in replevin, 1709-11.

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SIDEWALKS.

Village trustees may regulate, L. 1870, ch. 201, p. 2278, § 25. May order repairs and improvements, p. 2284, § 4. Builders of stone walk may have credit on highway tax, p. 2291, § 22. Authorized by highway commissioners; anticipation of tax by laying walks, High. L., §§ 43-7, pp. 682-4. Bicycles may be prohibited on, § 163, p. 717. Driving animals or vehicles on sidewalks forbidden on, Pen. Code, § 652.

SIGHT DRAFT.

Due without grace, L. 1857, ch. 416, p. 2158.

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Used in statutes, applies to plural, Stat. Const. L., § 8, p. 111.

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See Prisons.

SISTER.

When entitled to inherit, R. S., pp. 1824-7, §§ 5-17.

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On forbidden ice, Pen. Code, § 640.

SKIMMED MILK.

Penalty for illegal sale of, Pen. Code, § 439. Definition of, Ag. L., § 20, p. 946. When and how may be sold, § 31, p. 952.

SLANDER.

Necessary contents of pleadings, Civ. Code, § 535. In certain forms not necessary to prove special damages, § 1906. When damages are woman's separate property, § 1907.

SLEEPING CARS.

Fares chargeable and liability of carriers, R. R. L., § 41, p. 1275.

SNOW.

Removal by overseers from highways, High. L., § 21, p. 676. Abatement of highway tax for removal of fence to prevent drifts, § 72, p. 693. Removal by street railroads, R. R. L., § 98, p. 1307.

SOCAGE.

Guardians in, see Guardians.

SODOMY.

Definition and penalty, Pen. Code, § 303.

SOLDIERS AND SAILORS.

1. Legislature to provide for voting in time of war, Const. a. 2, § 1, p. 37. May not be quartered on inhabitants, R. S., p. 1650, § 6.

2. VETERANS EXEMPT from highway labor, High. L., § 33, p. 679. From military service, Mil. Code, § 2, p. 502. When exempt from jury duty, Civ. Code, §§ 1030, 1081, 1127. To be preferred for PUBLIC EMPLOYMENT, L. 1884, ch. 312, p. 2608. Special certificate after civil service examination, L. 1884, ch. 410, pp. 2616-7. Entitled to leave of absence on May 30th, L. 1895, ch. 220, p. 3026. May not be discharged from appointive office except after trial, L. 1888, ch. 119, p. 2731. Children of, entitled to preference for Cornell scholarship, Consol. Sch. L., §§ 1592. 7. For admission to institutions for blind, L. 1867, ch. 744, p. 2246. BURIAL of, at county expense; headstones; not to be made with paupers, L. 1881, ch. 203, p. 2516. RELIEF of poor; to be disbursed through trustees of post; poor not to be sent to almshouse,

L. 1887, ch. 706, pp. 2721-3. MONUMENTS may be erected to, by city, town or village, Gen. Munic. L., § 25, p. 591. By counties, Co. L., § 38, p. 611. Land may be condemned for, Gen. Munic. L., § 22, p. 589; Co. L., § 38, p. 611. Procedure, Civ. Code, §§ 3357-82.

See Military Code; Soldiers' and Sailors' Home; Soldiers' Monument Corporations.

SONS OF VETERANS.

May parade with arms, Mil. Code, § 147, p. 542.

SOLDIERS' AND SAILORS' HOME.

Of what property consists, Pub. Buil. L., § 40, p. 498. Governed by board of trustees; appointment of clerk, § 40, p. 499. Powers of trustees, § 41, p. 499. Requisites of admission to home, § 42, p. 500. Insane to be sent to state hospital at expense of home, § 43, p. 500. Inmates presumed not to gain voting residence, Elec. L., § 30, p. 258.

See Veteran and his Wife, Home for.

SOLDIERS' MONUMENT CORPORATIONS.

1. CERTIFICATE OF INCORPORATION; number and qualifications of incorporators; contents of certificate, generally, Mem. Corp. L., § 120, p. 1461; Gen. Corp. L., § 4, p. 975; name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976; number and qualification of directors named in certificate, Mem. Corp. L., § 120, p. 1461; Gen. Corp. L., § 29, p. 987; certificate may contain any provision which does not exempt directors from obligations imposed by law, Gen. Corp. L., § 10, p. 978; may provide for cumulative voting at corporate meetings, Gen. Corp. L., § 20, p. 983. certificate, how executed and where filed; must be approved by justice sup. ct.; fees for filing paid before filing, Mem. Corp. L., § 120, p. 1461; Gen. Corp. L., § 5, p. 976; fees for filing, by sec'y of state, 15 cents per folio, Ex. L., § 26, sub. 6, p. 371; of co. cl'k, six cents and 10 cents per folio, Civ. Code, § 3304.

2. CERTIFICATE, presumptive EVIDENCE of incorporation, and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, §§ 933, 957-9; if certificate filed, be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

3. CHARTER may be changed by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation, § 7, p. 977; corporate existence may be extended, § 32, p. 988; name may be changed, Civ. Code, §§ 2411-17; number of directors and time of annual meetings may be changed, Mem. Corp. L., §§ 14-5, pp. 1440-1; TRUSTEES of property may be designated by stockholders, Mem. Corp. L., § 10, p. 1437.

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4. **INCORPORATION** of unincorporated association, how authorized; transfer of property thereof to the corporation, Mem. Corp. L., § 5, p. 1334; **REINCORPORATION** under Mem. Corp. L. of corporation created under special law, § 6, p. 1435.

5. Must organize and commence operations within two years after incorporation, Gen. Corp. L., § 31, p. 988.

6. **CORPORATE POWERS** are only such as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; corporate seal may be adopted and altered, Gen. Corp. L., § 11, p. 978; if not adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may make by-laws, Gen. Corp. L., § 11, p. 978 (see 7, post); may take property by grant or will, Gen. Corp. L., §§ 11-14, pp. 978-80; may dispose of property, Gen. Corp. L., § 11, sub. 3, p. 978; except that leave of court must be obtained for certain conveyances, mortgages or leases of real property, Mem. Corp. L., § 13, p. 1439; Civ. Code, §§ 3390-7; corporation is subject to visitation of sup. ct., Mem. Corp. L., § 16, p. 1441; may acquire property and erect monument; may acquire burial lots and erect monuments, Mem. Corp. L., § 121, p. 1462; Gen. Mun. L., § 25, p. 591. Property exempt from taxation, L. 1866, ch. 273, § 5, p. 2230; tax may be levied by municipal corporation to repair or improve grounds, Mem. Corp. L., § 122, p. 1462.

7. **BY-LAWS**, by whom made; provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 20, 20, pp. 978, 987, 983; Mem. Corp. L., §§ 8, 9, 13, pp. 1436-7, 1439; may provide who shall be proxies and duration of proxies, Gen. Corp. L., § 21, p. 984.

8. **MEMBERS** of CORPORATION, charter members; new members, how admitted, Mem. Corp. L., §§ 8, 9, pp. 1436-7; Gen. Corp. L., § 3, sub. 8, p. 975.

9. **CORPORATE MEETINGS** and **ELECTIONS** of officers, when held; number classification and qualifications of directors; who are voters; conduct of elections; review thereof by court; changing number of directors and time of meeting, Mem. Corp. L., §§ 8-10, 14-15, pp. 1436-8, 1440; Gen. Corp. L., §§ 11, 20-7, 33, pp. 978, 983-6, 989.

10. **DIRECTORS**; duties and liabilities generally; quorum, Gen. Corp. L., §§ 29, 39, pp. 987, 992; annual report and inventories; right to compensation; individual interests in corporate contracts; individual liability to corporate debts, Mem. Corp. L., §§ 11, 12, pp. 1438-9; number of directors; first directors to be named in certificate of incorporation, Mem. Corp. L., § 120, p. 1461; thereafter to be elected by members, § 10, p. 1437; may be increased or diminished, and classified,

Mem. Corp. L., §§ 8, 14, pp. 1436, 1440; at least two directors must be residents of this state, and all must be members of the corporation, Gen. Corp. L., § 29, p. 987; Mem. Corp. L., § 10, p. 1437; directors hold over till successors chosen, Gen. Corp. L., § 23, p. 985; may be suspended or removed for misconduct; vacancies, how filled, Civ. Code, §§ 1781-3; Mem. Corp. L., §§ 8-10, pp. 1436-7; actions brought against corporation with collusion of directors may be stayed, Gen. Corp. L., § 28, p. 986; when liable with corporation, may be sued separately or joined, Civ. Code, §§ 1790-6; not privileged from testifying as to corporate matters on ground of incrimination, Civ. Code, § 1805; are trustees on dissolution, if court does not appoint others, Gen. Corp. L., § 30, p. 987.

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Chosen by house, Const. a. 3, § 10, p. 48. Appoints certain officers, Leg. L., § 7, p. 343. Signs bills passed by assembly, § 40, p. 349. Is ex-officio commissioner of land office, Const. a. 5, § 5, p. 60. Trustee of public buildings, Pub. Build. L., § 2, p. 490. Of Cornell University, L. 1865, ch. 585, p. 2224. Approves bond of state treasurer, Ex. L., § 41, p. 373.

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When liable for interest, L. 1864, ch. 71, p. 2213.

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SPECIAL SESSIONS.

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3. DUTIES. Shall seal certificates with seal of office; documents open to inspection, Ex. L., §§ 63-4, p. 378. Duties in regard to control of canals and appointment of division and resident engineers, Canal L., § 50, p. 433. To appoint engineer on request of superintendent and prepare estimates and specification, § 23, subs. 6, 8, pp. 423-4. To confer with director of U. S. survey, and co-operate with him in topographical survey of state, L. 1893, ch. 287, p. 2914. To occupy office in new state hall, L. 1848, ch. 72, p. 2102. Duties in regard to public lands, Pub. Lands L., §§ 31-7, pp. 390-401. To appoint engineer for salt works survey, Salt Spgs. L., § 38, p. 483. May cause survey of town to be made by supervisor at expense of town, Town L., § 81, p. 751.

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STATE SUPERINTENDENT OF PUBLIC WORKS.

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STATE TREASURER.

1. FILLING and VACATING the office: Is a state officer, Pub. Off. L., § 2, p. 325. To be ELECTED at general election biennially from 1898; term of office, three years from January 1, 1896, and thereafter: two years commencing January 1st after elections, Const. a. 5, §§ 1-2, p. 58. Does not hold over, Pub. Off. L., § 5, p. 326;

Const. a. 5, § 1, p. 58. To be eligible must be of full age, citizen of U. S. and resident of state, Pub. Off. L., § 3, p. 325. Salary, \$5,000; BOND, \$50,000, Ex. L., §§ 40-1, p. 373. Not to be increased or diminished during his term; to receive no fees to his own use, Const. a. 5, § 1, p. 58. Must file official oath within 15 days after commencement of term with sec'y of state or office forfeited, Pub. Off. L., §§ 10, 13, 15, 20, pp. 329, 331-3; Const. a. 13, § 1, p. 84; Pen. Code, §§ 42-3. RESIGNATION must be in writing, addressed to the legislature, and filed with the sec'y of state, Pub. Off. L., § 21, p. 334. May be suspended by governor until 30 days after beginning of legislative session; VACANCY, filled by temporary appointment, Const. a. 5, § 7, p. 60. REMOVABLE by the senate on recommendation of the governor, Pub. Off. L., §§ 22, 25, pp. 334-5. Vacancy in office, how created and filled, §§ 20, 30-1, pp. 333, 338.

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For profane swearing, R. S., p. 1769, §§ 61-2. For disturbing religious meetings, p. 1770, §§ 65-8. Of vagrants and disorderly persons in villages, L. 1870, ch. 291, § 14, p. 2309; Crim. Code, §§ 890-913. Professional thieves and habitual criminals, L. 1873, ch. 357, p. 2336; Crim. Code, §§ 510-4.

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Contents; service and proof of, Civ. Code, §§ 416-34. By publication, §§ 435-45. Supplemental summons, § 453. After attachment, § 638. Contents of, in partition on substituted service, § 1541. Notice required in divorce, § 1774. To recover a penalty or forfeiture, §§ 1895-8. In city ct. of N. Y., §§ 3165, 3170. Of Yonkers, § 3205. In district courts of New York, § 3208. In justices' courts, §§ 2876-85.

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165, 184, pp. 598, 641, 643. Protest of notes and checks due on Sunday, L. 1875, ch. 27, p. 2381. Arrest allowed on, Crim. Code, § 170. Definition and acts forbidden on, Pen. Code, §§ 259-77. Courts not to sit on, Civ. Code, § 6. Barbering on Sunday forbidden, L. 1895, ch. 823, p. 3103. Contracts with Sunday newspapers valid, L. 1871, ch. 702, p. 2327. Liquor not to be sold, Exc. L., § 32, p. 1640.

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2. **POWERS and DUTIES.** If but one, has power of board, Stat. Const. L., § 18, p. 114. General powers and duties, R. S., pp. 1732-4, § 16. May build poorhouses on direction of supervisors, p. 1734, § 17. Try disputes as to settlement of poor, p. 1738, §§ 32-3. Proceedings if he is absent, L. 1881, ch. 398, p. 1738. Decides whether county or town poor, R. S., p. 1739, § 35. Decision to be entered and filed, p. 1740, § 38. Appeals from decision of, as to settlement, L. 1872, ch. 38, p. 2330. May be appointed keeper of poorhouse, L. 1892, ch. 698, p. 2898. When to appoint keeper and physician, L. 1851, ch. 532, p. 2126. Reports required from to sec'y of state, L. 1870, ch. 424, pp. 2318-9. To clerk of supervisors, L. 1876, ch. 54, p. 2422; L. 1880, ch. 347, p. 2477. To state board of charities, L. 1895, ch. 771, § 18, p. 3097. Of statistics to sec'y of state, R. S., p. 1750, § 75; L. 1842, ch. 214, p. 1750. To keep records, L. 1875, ch. 140, p. 2384. May grant authority for outdoor relief, R. S., pp. 1740, 1743, §§ 36, 46. To present annual estimates to supervisors, p. 1744, § 50. Duties in contesting removals of poor, pp. 1746-7, §§ 59-62. To audit accounts of overseers and justices as to poor, L. 1832, ch. 26, p. 1759. To send children to orphan asylum, L. 1884, ch. 438, p. 2619. To commit idiots to Rome

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SUPERINTENDENT OF STATE PRISONS.

1. **APPOINTED** by governor with advice and consent of senate for term of five years; shall give undertaking; duties in regard to superintendence of prisons; appointment of agents, wardens, physicians and chaplains; removable by the governor on charges after trial, Const. a. 5, § 4, p. 59; R. S., p. 1945, § 30. Salary, \$6,000, and traveling expenses, p. 1946, § 31. To file official oath and bond within 10 days after notice of appointment, p. 1947, § 36; Pub. Off. L., §§ 10-20, pp. 328-33.

2. **POWERS and DUTIES**, generally, Const. a. 5, § 4, p. 59; R. S., p. 1949, § 40. Annual report, p. 1950, § 41. May cause annual inventory of prison property, p. 1954, § 50. Has control of official transactions and the purchase of supplies, p. 1954, §§ 51-2. May administer oaths, p. 1961, § 65. May order transfer between prisons, p. 1963, § 73. Is a member of parole board, p. 1964, § 75. Meetings of board called by superintendent, p. 1964, § 76. To keep record of prisons, p. 1964, § 77. May cause removal of prisoners on outbreak of diseases or fire, p. 1968, §§ 92-3. To classify prisoners and make regulations governing employment, pp. 1969-72, §§ 95-106. Is member of board to fix price of prison products, p. 1972, § 107. Approves monthly estimates and purchase of material and machinery, p. 1975, §§ 112-3. May provide for employment of convicts on highways, L. 1894, ch. 266, p. 2959.

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1. **FILLING and VACATING** the office. One elected in each town biennially; term of office two years; hold over until successors qualify, Town L., §§ 12-3, pp. 727-8; Term of, in cities, L. 1893, ch. 344, p. 2919; Pub. Off. L., § 5, p. 326. Compensation, \$2 per day, Town L., § 178, p. 773. A town charge, § 180, p. 774. Must file **OFFICIAL OATH** and bond with town clerk; consequences of neglect, Town L., § 51, p. 744; § 60, p. 747; Pub. Off. L., §§ 10-20, pp. 328-33; Pen. Code, §§ 42-3. **RESIGNATION** must be in writing, addressed and delivered to town clerk; may be accepted by three justices of the peace, Pub. Off. L., § 21, p. 334; Town L., § 64, p. 749. **VACANCIES** in office, how created and filled, Pub. Off. L., § 20, p. 333; Town L., § 65, p. 749.

2. General **POWERS and DUTIES**, Town L., § 80, p. 750. As to town surveys, § 81, p. 751. Fires in woods, § 82, p. 751; Fish., G. & F. L., §§ 276-9, pp. 922-4. To deliver

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Lien for, L. 1862, ch. 482, § 1, sub. 5, p. 2196. No commission to be received by person employing steam vessels for towing, L. 1880, ch. 395, p. 2479. Electrical towage on canals, Canal L., § 38, p. 432.

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1. Are municipal corporations, Town L., § 2, p. 723; Gen. Corp. L., § 3, sub. 1, p. 974; Gen. Munic. L., § 1, p. 580.

2. ALTERATION and ERECTION of towns by supervisors; establishment of disputed boundaries, Co. L., §§ 34-6, pp. 607-8. Disposition of town property and apportionment of debts by reason of change, Town L., §§ 3-4, p. 724. Apportionment of r. r. aid bonds thereupon, L. 1880, ch. 336, pp. 2476-7. Election districts, how affected thereby, Elect. L., § 8, p. 243. Survey of towns when required by engineer, Town L., § 81, p. 751.

3. May ACQUIRE PROPERTY by purchase, gift or will, Gen. Corp. L., § 11, sub. 3, p. 978; and by condemnation, if necessary, Gen. Munic. L., § 22, p. 589; Civ. Code, §§ 3357-82; but cannot acquire stocks or bonds of any association or corporation, Const. a. 8, § 10, p. 75. May acquire land for erection of soldiers' monument, Gen. Munic. L., § 25, p. 590; for town fire companies, Town L., § 171, p. 771; for town house, § 191, p. 776. May insure public buildings, Gen. Munic. L., § 23, p. 590.

4. Cannot GIVE OR LOAN property, money or credit, to or in aid of any individual, association or corporation, except for aid or support of its poor, etc.; legislature may authorize but cannot require county to pay for support of poor, etc., in private institution, except a school or institution of learning under sectarian control; such payments authorized, Const. a. 8, §§ 10, 14, a. 9, § 4, pp. 75, 78, 79; L. 1895, ch. 754, p. 3087; may lease public buildings except school-houses to G. A. R., Gen. Munic. L., § 26, p. 591.

5. May BORROW money when authorized by supervisors, Co. L., § 12, sub. 6, §§ 13-4, 69-70, pp. 597-9, 618-9. Town bonds lawfully issued, are a charge upon the town, Gen. Munic. L., § 6, p. 582; to be canceled when paid, Town L., § 214, p. 778. Report of all town indebtedness to be made to supervisors, §§ 210-4, p. 778, and to comptroller, Co. L., § 52, p. 613. Investigation of expenditures by court, Gen. Munic. L., § 3, p. 581. Moneys of, in hands of co. treasurer to be paid over on resolution of supervisors, Co. L., § 234, p. 658.

6. May raise money for observance of Decoration day, L. 1890, ch. 223, p. 2794. May apportion gospel lot fund among school districts, L. 1895, ch. 232, pp. 3028-9. May pay public moneys to charitable, etc., institutions, L. 1895, ch. 754, p. 3087. May construct sewer system, L. 1895, ch. 545, pp. 2923-9. May contract for purification of water and sewerage, L. 1894, ch. 667, p. 2982. Assessments for public improvements in, how reviewed and corrected, L. 1894, ch. 579, p. 2980. Towns of over 10,000 inhabitants may provide for destruction of garbage, L. 1894, ch. 666, pp. 2931-2.

7. TOWN CHARGES, generally, Town L., § 180, p. 774; cost of property of town fire co., to be a town charge, § 171, p. 771; costs and expenses of actions by highway com'rs, High. L., § 23, p. 677; furniture, etc., of clerk's office, Town L., § 85-6, p. 753; expense of operating stone-crushing machines, High. L., § 7, p. 670; when fees of officers in criminal proceedings a town charge, Town L., § 165, p. 769. How raised, §§ 162, 180, sub. 7, pp. 767, 774; Co. L., § 232, p. 657. Charges to be presented to town board for audit, Town L., § 180, sub. 7, §§ 167-8, 162, pp. 774, 770, 767; or to town auditors when separate from town board, § 174, p. 772. Payment of charges by supervisor, § 80, p. 750.

8. ACTIONS by and against, to be in name of town, Town L., § 182, p. 774; Const. a. 8, § 3, p. 74. Judgments to be a town charge, § 180, p. 774. Liability of town for defective highways and bridges; power of town board to compromise and audit claims therefor, High. L., §§ 16-8, pp. 673-4. When not liable for bridge breaking, § 154, p. 715. Recovery in action for trespass on town lands, Town L., § 183, p. 775; treble damages for cutting trees, etc., Civ. Code, §§ 1667-8.

9. TOWN OFFICERS to be elected by electors of town or appointed by such local authorities of town as legislature shall direct, Const. a. 10, § 2, p. 80. (For manner of election, see Town Meeting.) Eligibility to town office, Town L., § 50, p. 744; Pub. Off. L., § 3, p. 325; clerk to give notice of election, Town L., § 39, p. 739; notice of appointment, § 65, p. 749. Oath of office to be taken and filed, § 51, p. 744; Const. a. 13, § 1, p. 84. Form of undertaking and liability thereon, Town L., § 66, p. 749; Pub.

Off. L., §§ 11-20, pp. 329-33. Any town officer may administer oaths, Town L., § 56, p. 746. No per diem compensation allowed unless expressly provided by law, § 166, p. 770. Compensation of, a town charge, § 180, sub. 1, p. 774. Accounts of, to be itemized and verified; audited by town board, §§ 167-8, 161-2, pp. 770, 767; Co. L., § 25, p. 604. Contracts by, to be in town name, § 182, p. 775. Judgments against, when a town charge, § 180, subs. 5-7, p. 774. Legalization by supervisors of informal acts of, Co. L., § 15, p. 600. Change of town boundaries not to affect rights of existing officers, § 35, p. 608. Omissions by town officers to be reported to dist. atty. by co. clerk, Town L., § 67, p. 750. Resignations, § 64, p. 749; Pub. Off. L., § 21, p. 334. Vacancies, how created and filled, Town L., § 65, p. 749; Pub. Off. L., § 20, p. 333.

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10. Commissioners of deeds abolished in; duties transferred to justices of the peace, L. 1840, ch. 238, p. 2055. Railroad commissioners' duties authorized to be transferred to supervisor, L. 1889, ch. 402, pp. 2774-6; Gen. Munic. L., § 13, p. 586. Water commissioners of, powers and duties, R. S., p. 1923, § 16. Certain drains in town declared to be constructed for public health, L. 1882, ch. 326, pp. 2546-7.

11. Towns and counties containing over 600,000 inhabitants, special provisions relating to, Town L., §§ 220-36, pp. 779-84.

See Highways; Municipal Corporations.

TOWN ASSESSORS.

See Assessors.

TOWN AUDITORS.

1. FILLING and VACATING the office when separate from town board; 3 in each town; one to be elected at each annual town meeting for term of 3 years, Town L., §§ 172-3, p. 772; Const. a. 10, § 2, p. 80. If town determines to have such auditors, town board to appoint temporary auditors, Town L., § 175, p. 773. Are local officers, Pub. Off. L., § 2, p. 325. To be ELIGIBLE to the office must be of full age, citizen of U. S., resident and elector of town, Pub. Off. L., § 3, p. 325; Town L., § 50, p. 744. (See under Public Officers, convictions which disqualify.) HOLD OVER after expiration of term until successor chosen and qualified, Pub. Off. L., § 5, p. 326. COMPENSATION, \$3 for each day actually devoted to duties of office, Town L., § 176, p. 773; a town charge, § 180, p. 774. (See under Town, town charges, how audited and collected.) OFFICIAL OATH, must be taken and filed with town clerk within 10 days after notice of election or office forfeited; form of oath; what officers may administer oaths; no fees to be charged there-

for, Town L., §§ 51, 56, 39, pp. 744, 746, 739; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289; entering upon duties of office without filing oath, a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. (As to convictions which work FORFEITURE of office, see Public Officers.) Office forfeited by acceptance of other town office, Town L., § 174, p. 772. RESIGNATION of office, must be made in writing, addressed and delivered to town clerk, and may be accepted by 3 justices of the peace, Pub. Off. L., § 21, p. 334; Town L., § 64, p. 749. VACANCIES in office, how created and filled, § 176, p. 773; Pub. Off. L., § 20, p. 333. Town meeting may vote to DISCONTINUE office, Town L., § 177, p. 773.

2. POWERS and duties as to auditing, allowing or rejecting claims against town; certification of town officers' accounts; authorization of town expenditures, Town L., § 174, p. 772.

TOWN BOARD.

How constituted; to hold at least 2 annual meetings; duties as to audit of accounts and town charges; appeals from audit by taxpayer to supervisor, Town L., §§ 160-9, pp. 766-70. (As to Town Charges, see Town, 7.) To deliver abstracts of claims audited, etc., to supervisors, § 170, p. 770. May consent to immediate rebuilding of destroyed bridge; auditing expense thereof, High. L., §§ 10-12, pp. 671-2. May appoint inhabitants of town to be town fire company, Town L., § 171, p. 771. When to appoint overseer of poor, § 18, p. 729. To appoint temporary auditors if separate board of auditors is determined upon, § 175, p. 773. To fill vacancies in town offices, § 65, p. 749. To provide for disposition of town property and apportionment of debts upon alteration of town boundaries, §§ 3-5, pp. 724-5. To determine highway tax, High. L., § 53, p. 685. To divide town into election districts, and designate places for registration and holding election, Elect. L., §§ 8, 10, pp. 743-5. May expend surplus moneys, L. 1891, ch. 164, p. 2829.

TOWN BURIAL GROUNDS.

See Cemeteries, 5.

TOWN CLERK.

1. FILLING and VACATING the office; one to be elected at each alternate annual town meeting, Town L., §§ 12, 24, sub. 2, pp. 727, 733; Const. a. 10, § 2, p. 80. Are local officers, Pub. Off. L., § 2, p. 325. To be ELIGIBLE must be of full age, citizen of U. S., resident and elector of town, Pub. Off. L., § 3, p. 325; Town L., § 50, p. 744. (For convictions which disqualify, see Public Officers.) HOLD OVER after expiration of term until successor qualifies, § 12, p. 727; Pub. Off. L., § 5, p. 326. OFFICIAL

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OATH must be taken and filed with town clerk within 10 days after notice of election or office forfeited; form of oath; what officers may administer; no fees to be charged therefor, Town L., §§ 51, 56, 39, pp. 744, 746, 739; Pub. Off. L., §§ 10, 13, 20, pp. 329, 331, 333; Const. a. 13, § 1, p. 84; Civ. Code, § 3289; entering upon duties of office without taking and filing oath a misdemeanor, but does not invalidate official acts, Pen. Code, §§ 42-3; Pub. Off. L., § 15, p. 332. (For convictions which work **FORFEITURE**, see Public Officers.) **RESIGNATION** of office must be in writing and may be accepted by three justices of the peace, Pub. Off. L., § 21, p. 334; Town L., § 64, p. 749. To deliver books and papers to successor; penalty for refusal, § 84, p. 752; Pen. Code, § 57; summary proceeding to compel, Civ. Code, § 2471a. **VACANCIES** in office, how created and filled, Pub. Off. L., § 20, p. 333; Town L., § 65, p. 749.

2. POWERS and DUTIES in general, Town L., § 83, p. 751. Omission to return to co. clerk the name of person who has qualified as constable, how punished, §§ 83, 67, pp. 752, 750; Pen. Code, § 161. Is member of town board, Town L., § 160, p. 766. To be clerk of town meeting; duties thereat, §§ 28, 34, 38-9, pp. 735, 737-9. Not to be com'r of excise, § 16, p. 728. Furniture, blank books and sign for clerk's office, §§ 85-6, p. 753. May appoint deputy, L. 1892, ch. 658, p. 2893. To file chattel mortgages; fees therefor, L. 1883, ch. 279, §§ 2-6 and notes, pp. 2013-5. To file contracts of conditional sale, L. 1884, ch. 315, §§ 2, 4, pp. 2609-10. Certified copies of documents in office of, as evidence, Civ. Code, § 934. Compensation, \$2 for each day actually devoted to duties of office, Town L., § 178, p. 773; for services at election to be fixed by town board, Elect. L., § 17, p. 257. Fee for filing marriage certificate, R. S., p. 1893, § 13.

TOWN COLLECTORS.

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TOWN CONSTABLES.

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TOWNHOUSE.

Determination of town meeting to erect; erection and control, Town L., §§ 190-1, pp. 775-6.

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Is ch. 20 of the General Laws, pp. 723-87.

TOWN MEETINGS.

1. Time and place of holding; duration, Town L., §§ 10-11, 29, pp. 726-7, 736. May be held in separate or joint election districts; transaction of business thereat not requiring a ballot, §§ 40-1, pp. 740-1. Special town meetings, when held; notice required, §§ 25-6, pp. 734-5. No notice required of annual

meetings except of submission of proposition to raise money in certain cases, §§ 26, 34, pp. 735, 737. Presiding officers of town meetings, § 27, p. 735. Constitutional provisions as to bi-partisan election officers not applicable, Const. a. 2, § 6, p. 38. Town clerk to be clerk of meeting, Town L., § 28, p. 735; proceedings to be filed in his office, § 31, p. 736; to be transcribed in books of record, § 83, p. 751. Method of transacting business not requiring a ballot, §§ 32-3, pp. 736-7.

2. POWERS of annual town meetings, generally, Town L., § 24, p. 733; of special town meetings, § 25, p. 734. Officers elected at, § 12, p. 727; may choose trustees of burial grounds, § 193, p. 776; may determine as to board of auditors, §§ 172-7, pp. 772-3; as to number of highway com'rs, § 17, p. 728; number of overseers of poor, § 18, p. 729; may discontinue pounds, § 36, p. 738; may decide to erect town house or lock-ups, §§ 190-2, pp. 775-6; may provide for pensioning teachers, L. 1895, ch. 767, pp. 2089-91. Statement of town board to be produced at meeting, Town L., § 161, p. 767. Board of supervisors may legalize informal acts of town meeting, Co. L., § 15, p. 600.

3. No registration of voters required, Elect. L., § 32, p. 263; Const. a. 2, § 4, p. 38. (As to qualifications of voters, see Elections, 1.) Challenges, procedure thereupon, Town L., § 30, p. 736; Elect. L., §§ 110-11, pp. 303-5. Town officers may be elected by ballot or otherwise, Const. a. 2, § 5, p. 38. Designation upon ballots of persons for full term and vacancies, Town L., § 20, p. 732.

4. OFFICIAL BALLOTS prepared by town clerk, Elect. L., § 86, p. 288; in form prescribed by, § 81, p. 282; from nominations filed with him, §§ 58-9, pp. 276-7. As to separate ballots and ballot-boxes for excise and highway com'rs, Town L., § 38, p. 738. Polling place to be supplied by town board with ballot-boxes, voting booths, guard rail, etc., Elect. L., §§ 10, 13-4, pp. 245, 252-3. Official ballots, sample ballots, instruction cards, distance markers and substitutes for official ballots, if necessary, to be furnished by town clerk, §§ 84-6, 89, pp. 287-8, 290.

5. Proclamation of opening and closing polls, Town L., § 35, p. 737; Elect. L., § 100, p. 291. Duration of town meeting for purpose of voting, Town L., § 29, p. 736. Canvass of votes; clerk to read result and enter same in his minutes; to notify persons elected, § 39, p. 739; Elect. L., §§ 114-8, pp. 306-10. Clerk to certify to co. clerk each justice elected, Town L., §§ 57, 67, pp. 746, 750. Certificate of canvass to be filed in clerk's office, Elect. L., § 117, p. 309.

TOWN SEALER.

Appointed and removable by supervisors and justices; duties; fees, L. 1851, ch. 134, §§ 22-31, pp. 2118-20.

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TRADE, BOARD OF.

1. **CERTIFICATE of INCORPORATION.** Number and qualifications of incorporators, Mem. Corp. L., § 130, p. 1463; Gen. Corp. L., § 4, p. 975; contents of certificate generally, Mem. Corp. L., § 130, p. 1463; may contain any provision which does not exempt directors from obligations imposed by law, Gen. Corp. L., § 10, p. 978; name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976; number and qualifications of directors named in certificate, Mem. Corp. L., § 130, p. 1463; Gen. Corp. L., § 29, p. 987; how certificate executed and where filed; must be approved by justice of sup. ct., and fees paid before filing, Mem. Corp. L., § 130, p. 1463; Gen. Corp. L., § 5, p. 976; amount of fees of sec'y of state, \$10, and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; of co. clerk, 6 cents and 10 cents per folio, Civ. Code, § 3304.

2. Incorporation of unincorporated association, how authorized; transfer of property thereof to the corporation, Mem. Corp. L., § 5, p. 1434; reorganization under Mem. Corp. L. of corporation created by special law; consolidation of two or more corporations, §§ 6-7, p. 1435. Board of trade incorporated under law repealed by Mem. Corp. L., and which has issued capital stock, how governed, § 131, p. 1463.

3. **CHARTER MAY BE CHANGED**, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992; without legislation: certificate of incorporation may be amended, § 7, p. 977; corporate existence therein specified may be extended, § 32, p. 988; number of directors and time of annual meeting may be changed, Mem. Corp. L., §§ 14-15, pp. 1440-1; name may be changed, Civ. Code, §§ 2411-17; trustees of property may be designated, Mem. Corp. L., § 10, p. 1437.

4. **CERTIFICATE presumptive EVIDENCE** of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978; certified copy as evidence, Civ. Code, § 933; if certificate filed or recorded be LOST or DESTROYED, may be replaced, Gen. Corp. L., § 8, p. 977.

5. Must organize and undertake discharge of its duties within 2 years after incorporation, Gen. Corp. L., § 31, p. 988.

6. **CORPORATE POWERS**, are only such as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978; perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; may adopt and alter corporate seal, Gen. Corp. L., § 11, p. 978; if none adopted, private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112; may sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74; may make by-laws, Gen. Corp. L., § 11, p. 978 (see 7, post); may take property by grant or will, Gen. Corp. L., §§ 11-14, pp. 978-80; L. 1887, ch. 317, § 7, p. 2702; conveyance, mortgage or lease of real property regulated, Mem. Corp. L., § 13, p. 1439; Civ. Code, §§ 3390-6; improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3.

7. **BY-LAWS**, by whom made; provisions thereof; when required to be published, Gen. Corp. L., §§ 11, 29, 39, pp. 978, 987, 992; Mem. Corp. L., §§ 8-9, 13, pp. 1436-7, 1439; may provide who shall be proxies for members and duration of proxies, Gen. Corp. L., § 21, p. 984.

8. **MEMBERS of CORPORATION**; charter members: new members, how chosen; how expelled, Mem. Corp. L., §§ 8-9, pp. 1436-7.

9. **OFFICERS**, including **DIRECTORS**; officers other than directors, how chosen; may receive compensation, if authorized by by-laws or by the directors, Gen. Corp. L., § 11, p. 978; Mem. Corp. L., §§ 8, 12, pp. 1436, 1438; number of directors; the first directors to be specified in certificate of incorporation, Mem. Corp. L., § 130, p. 1463; directors thereafter to be elected by members, § 10, p. 1437; may be increased or diminished, and classified, Mem. Corp. L., §§ 8, 14, pp. 1436, 1440; at least two directors must be residents of this state, and all must be members of the corporation, Gen. Corp. L., § 29, p. 987; Mem. Corp. L., § 10, p. 1437; directors hold over until successors chosen, Gen. Corp. L., § 23, p. 985; may be suspended or removed for misconduct; vacancies, how filled, Civ. Code, §§ 1781-3; Mem. Corp. L., §§ 8, 10, pp. 1436-7; actions brought against corporation with collusion of directors may be stayed, Gen. Corp. L., § 28, p. 986; individual interest of directors in corporate contracts, when permitted, Mem. Corp. L., § 12, p. 1439; individual liability for corporate debts, Mem. Corp. L., § 11, p. 1438; when liable with corporation, may be joined as defts or sued separately, Civ. Code, §§ 1790-6; corporate officers not privileged from testifying as to corporate matters on ground of incrimination, etc., Civ. Code, § 1805; directors are trustees on dissolution if court does not appoint others, Gen. Corp. L., § 30, p. 987.

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10. CORPORATE MEETINGS and ELECTIONS, when held; number, qualifications and classification of directors; voters; conduct of elections; review thereof by court, Mem. Corp. L., §§ 8-10, 14-15, pp. 1436-8, 1440; Gen. Corp. L., §§ 11, 20-7, pp. 978, 983-6.

11. EXEMPT FROM TAXATION on personal property and under transfer tax law, L. 1889, ch. 191, § 1, p. 2748.

TRADE-MARKS.

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TRADES UNIONS.

When lawful, Pen. Code, § 170. Compelling employes not to join, a misdemeanor, § 171a. May file labels; unauthorized use punishable, L. 1889, ch. 385, pp. 2771-2; L. 1893, ch. 219, p. 2772. Any number may unite in forming corporation for constructing hall, etc., L. 1892, ch. 290, p. 2845.

TRAINING SCHOOLS.

For manual training authorized, Consol. Sch. L., t. 15, §§ 25-6, p. 1605. For teachers; designated by sup't pub. inst.; how conducted, t. 11, pp. 1588-90.

TRAMPS.

Punishment of, L. 1885, ch. 490, p. 2657.

TRAMWAY CORPORATIONS.

1. CERTIFICATE of INCORPORATION; number and qualifications of incorporators, Trans. Corp. L., § 30, p. 1344; Gen. Corp. L., § 4, p. 975. Contents of certificate, generally, Trans. Corp. L., § 30, p. 1344. May contain any provisions not exempting directors or stockholders from obligations imposed by law, Gen. Corp. L., § 10, p. 978. May contain provision for holding stock, bonds, etc., of other corporations, Stock Corp. L., § 40, p. 1017; for preferred stock, § 47, p. 1021; for cumulative voting, Gen. Corp. L., § 20, p. 983. Name not to resemble that of existing corporation, Gen. Corp. L., § 6, p. 976. Number and qualifications of directors named in certificate, Trans. Corp. L., § 30, p. 1344; Gen. Corp. L., § 29, p. 987. How certificate executed and where filed; tax and fees must be paid before filing, Trans. Corp. L., § 30, p. 1344; Gen. Corp. L., § 5, p. 976. Am't of tax, 1-8 of 1 per cent. of capital stock corporation authorized to issue, L. 1886, ch. 143, § 1, p. 2664. Fees of sec'y of state, \$10, and 15 cents per folio, Ex. L., § 26, subs. 6, 12, p. 371; of co. clerk, 6 cents and 10 cents per folio, Civ. Code, § 3304.

2. CHARTER MAY BE CHANGED, by legislature, Const. a. 8, § 1, p. 73; Gen. Corp. L., § 40, p. 992. Without legislation, certificate of incorporation may be amended, § 7, p. 977. Corporate existence therein specified may be extended, § 32, p. 983. Business may

be altered or extended, Stock Corp. L., § 32, p. 1015. May increase or reduce am't of capital stock or number of shares, Stock Corp. L., §§ 44-6, 56, pp. 1020-1, 1026; or number of directors, § 21, p. 1009.

3. CERTIFICATE, presumptive EVIDENCE of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978. Certified copy as evidence, Civ. Code, § 933. If certificate filed or recorded be LOST or DESTROYED may be replaced, Gen. Corp. L., § 8, p. 977.

4. Must commence business within two years or charter forfeited, Gen. Corp. L., § 31, p. 988.

5. CORPORATE POWERS; DEBTS, BONDS, MORTGAGES; has only such powers as are given by law or necessarily implied, Gen. Corp. L., § 10, p. 978. General powers, Trans. Corp. L., §§ 30-3, pp. 1344-5. Perpetual succession for what period, Gen. Corp. L., §§ 11, 32, pp. 978, 988; Trans. Corp. L., § 30, p. 1344. May adopt and alter corporate seal, Gen. Corp. L., § 11, sub. 2, p. 978; if none adopted private seals of officers deemed corporate seal; corporate seal, how affixed, Stat. Const. L., § 13, p. 112. May sue and be sued in like cases as natural persons, Const. a. 8, § 3, p. 74. May make by-laws, Gen. Corp. L., § 11, p. 978 (see 6, post). May take property by grant or will and dispose thereof, §§ 11, 13-14, pp. 978, 980. May acquire land by condemnation, Trans. Corp. L., § 32, p. 1344. Improper alienation of corporate property may be restrained or set aside, Civ. Code, §§ 1781-3. Exercise of banking powers prohibited, Gen. Corp. L., § 19, p. 982. May borrow money and contract debts; unsecured debts not to exceed paid-up capital; debts secured by mortgage not to exceed paid-up capital, or two-thirds of value of corporate property, Stock Corp. L., §§ 2, 24, pp. 1005, 1011. Bonds not to be issued for less than market value, § 42, p. 1019. Bonds may be converted into stock, § 2, p. 1004. May hold stock, bonds, etc., and guarantee bonds of other corporations; sell property and franchises to another corporation, Stock Corp. L., §§ 40, 33, pp. 1017, 1015. Consolidate with other corporations, but not so as to create monopoly, Stock Corp. L., § 7, p. 1008; L. 1893, ch. 716, p. 2953.

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3. **CERTIFICATE, presumptive EVIDENCE** of incorporation and of facts therein recited, Gen. Corp. L., § 9, p. 978. Certified copy as evidence, Civ. Code, § 933. If certificate filed or recorded be LOST or DESTROYED may be replaced, Gen. Corp. L., § 8, p. 977.

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6. **BY-LAWS,** adopted by stockholders, control directors; directors may make, if stockholders do not; by-laws, made by directors, regulating elections, to be published, Gen. Corp. L., §§ 11, 29, pp. 978, 987. By-laws may provide for the management of the corporate property and the regulation of its affairs, § 11, p. 978; the manner of transferring stock, § 11, p. 978; Stock Corp. L., § 40, p. 1017. Fix time and place of elections of directors, regulate notice thereof, and the calling of stockholders' meetings generally, Stock Corp. L., § 20, p. 1009; Gen. Corp. L., § 11, p. 978. Fix quorum of stockholders' meetings, § 11, p. 978; and manner of appointing inspectors of election thereat, Stock Corp. L., § 28, p. 1012. Prescribe powers and duties of officers, Stock Corp. L., § 27, p. 1012. What proportion of quorum of directors must concur to constitute action by board, Gen. Corp. L., § 39, p.

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8. OFFICERS, including DIRECTORS; filling and vacating the offices; directors to be elected by stockholders; other officers to be appointed by directors; compensation; president must be a director; other officers need not be. Gen. Corp. L., § 11, sub. 4, p. 978; Stock Corp. L., §§ 20, 27, pp. 1009, 1012. Number of directors to be specified in certificate of incorporation. Trans. Corp. L., § 80, p. 1359; may be increased or diminished. Stock Corp. L., § 21, p. 1009. At least two directors must be residents of this state. Gen. Corp. L., § 29, p. 987. All directors must be stockholders or officers of another corporation which owns stock. Stock Corp. L., §§ 20, 40, pp. 1009, 1017. At least one-fourth of directors must be elected annually; by-laws must prescribe manner of filling vacancies in board of directors. Stock Corp. L., § 20, p. 1009 (see 7, ante). Directors to hold over till successors elected and qualified, § 23, p. 985; Stock Corp. L., § 22, p. 1010. Action to suspend or remove officer or director for misconduct; if all removed, vacancies to be filled by governor with advice and consent of senate. Civ. Code, §§ 1781-3.

9. OFFICERS, including DIRECTORS; duties and liabilities; powers and duties, generally, may be prescribed by by-laws. Stock Corp. L., § 27, p. 1012. President or vice-president and sec'y or treasurer must sign certificates of stock, § 40, p. 1017; and annual report. Stock Corp. L., § 30, p. 1014. Treasurer must make statement of assets and liabilities when properly requested, § 52, p. 1024. Officer in charge of stock-book to exhibit same, etc., § 29, p. 1013. Majority of directors constitute quorum. Gen. Corp. L., § 29, p. 987. And majority of quorum may act, unless otherwise provided by law or by by-laws, § 39, p. 992. Directors may make by-laws if stockholders do not, § 29,

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